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EVALUATION OF THE DOMESTIC VIOLENCE COURT PROGRAM

Final Report

July 5, 2006

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**EVALUATION OF THE DOMESTIC VIOLENCE
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Final Report – Volume I

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Table of acronyms	
ASRS	Automated Statistical Reporting System
CAS	Children's Aid Society
CCJS	Canadian Centre for Justice Statistics
CISTP	Cultural Interpreter Service and Training Program
CLD	Criminal Law Division
CP	Coordinated Prosecution
CPIC	Canadian Police Information Centre (database of Criminal Convictions, Conditional and Absolute Discharges and Related Information)
CRIS	Crown Resource Information Services
CSD	Court Services Division
CSMD	Corporate Services Management Division
DAP	Domestic Assault Program
DOJ	Department of Justice
DOVES	Domestic Violence Evaluation System
DVAA	Domestic Violence Administrative Assistant
DV	Domestic Violence
DVC	Domestic Violence Court
DVCAC	Domestic Violence Court Advisory Committee
DVCE	Domestic Violence Court Program Evaluation
DVSR	Domestic Violence Supplementary Report
DVSRF	Domestic Violence Supplementary Report Form
EIP	Early Intervention Program
FLSA	French Language Services Act
GSS	General Social Survey
GBDVCC	Grey Bruce Domestic Violence Coordinating Committee
ICON	Integrated Court Offence Network
LSI-OR	Level of Supervision Inventory
MAG	Ministry of the Attorney General
MCSCS	Ministry of Community Safety and Correctional Services
MPRDV	Model Police Response to Domestic Violence
OCAA	Ontario Crown Attorneys' Association
ODARA	Ontario Domestic Violence Assault Risk Assessment
OVSS	Ontario Victim Services Secretariat
PAR	Partner Assault Response
SA/DV	Sexual Assault/Domestic Violence
VAW	Violence Against Women
VicTrack	Victim Tracking
VIF	Victim information Form
VSI	Volunteer Screening Initiative
VWAP	Victim/Witness Assistance Program
WRC	Written Revocable Consent



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EXECUTIVE SUMMARY

The Domestic Violence Court (DVC) Program began in late 1997 and 1998 in six Ontario communities and, at the time of this report, had expanded to 49 of the 54 court jurisdictions with plans to begin operations in the remaining five jurisdictions in 2006. The DVC Program is a specialized process for handling domestic violence cases. The objectives of the Program are to:

- ▶ lessen the impact of crime by providing services to victims of domestic violence
- ▶ increase victim safety and help prevent re-victimization
- ▶ hold offenders accountable
- ▶ intervene early in domestic violence cases
- ▶ improve coordination of services.¹

The DVC Program has several core components: enhanced investigative procedures by police; designated Victim/Witness Assistance Program (V/WAP) staff; in some locations, a hospital-based Sexual Assault/Domestic Violence (SA/DV) Treatment Centre; designated domestic violence Crowns; specialized processing to expedite cases called the Early Intervention Program (EIP); a specialized intervention program for abusive partners with an outreach component for victims called the Partner Assault Response (PAR) program; French-language services comparable to English in the 24 designated *French Language Services Act* areas; interpreter services; specialized procedures for domestic violence cases for probation and parole staff; and an advisory committee of justice and community representatives called the Domestic Violence Court Advisory Committee (DVCAC).²

The Ontario Ministry of the Attorney General (MAG or the Ministry) engaged PRA Inc., an independent research firm, to conduct an evaluation of the DVC Program. The work of PRA was overseen by a Domestic Violence Court Program Evaluation (DVCE) Working Group, which included representatives of the Ontario Victim Services Secretariat (OVSS), the Criminal Law Division (CLD), Court Services Division (CDS), and Corporate Services Management Division (CSMD).

This evaluation builds on earlier studies of the DVC Program and evaluations of some of its specific components; in addition, it incorporates related research conducted by other agencies. The evaluation objectives are to assess the effectiveness and efficiency of the DVC Program in meeting its objectives, to consider the experiences of victims from diverse communities, and to identify areas for improvement.

¹ Domestic Violence Court Program Logic Model.

² Probation and parole and the SA/DV Treatment Centres participated in this evaluation of the DVC Program, but their services are not part of this evaluation.

Methodology

The evaluation employed the following data collection methods:

- ▶ a review of the literature on specialized domestic violence court programs
- ▶ six site visits, which included interviews with DVC Program stakeholders (n=119) and victims (n=61) as well as a file review of Crown briefs and V/WAP files (n=601 DVC files and n=139 pre-DVC files)
- ▶ analysis of information provided by MAG provincial databases
- ▶ incorporation of studies undertaken by other researchers that were relevant to the DVC Program evaluation.

The Ministry brought together a cross-section of Violence Against Women stakeholders in a series of three focus groups to comment on the evaluation framework, the preliminary analysis summary, and the draft final report.

The methodology has the following limitations:

- ▶ **File review** – Because of how the files were maintained in some of the sites, a completely random sample was not possible and obtaining pre-DVC files was difficult. Information in the files was also kept inconsistently across the sites and sometimes was incomplete. File review results should be seen as illustrative and not necessarily representative of the difference between DVC and pre-DVC cases.
- ▶ **Victim interviews** – Substantial efforts were made to obtain victim interviews, and while hundreds of victims were contacted about the evaluation, 61 victims consented to and completed interviews. Given the small sample size and the potential for self-selection bias, the results from the victim interviews should not be interpreted as representative of all domestic violence victims but still provide insights into the experiences of some victims with the DVC Program. In addition, the small sample size limited the evaluation's ability to gather information on the experiences of victims from diverse communities. Of the 61 victims, 20 identified themselves as either French Canadian, Aboriginal, or a member of a minority ethnic group.
- ▶ **Databases** – The MAG provincial databases that were used in the evaluation had limitations. The Domestic Violence Evaluation System (DOVES) database used by the CLD and OVSS to gather information on domestic violence prosecutions was not consistently used by the DVC sites. While the CLD and OVSS made substantial efforts to enter backlogged cases into DOVES, not all of the backlog could be identified and entered in time for this analysis. Therefore, the DOVES results reported are based on a non-random sample of DVC cases and should be interpreted accordingly. In addition, using the Automated Statistical Reporting System (ASRS), the PAR program collects data based on activities over a monthly reporting period rather than by client, so the information presented in this report is based on the information available and should be interpreted as an estimate. A review of Victim Tracking, or VicTrack (the V/WAP

database), showed that the information kept was inconsistently recorded across the six sites. Because VicTrack is not a complete record of activities of the V/WAP office, the evaluation could not use it as a separate data source and instead used it only as a part of the file review.

Conclusions and recommendations

Meeting program objectives

Improving services for victims

Providing information and services to victims. All lines of evidence used in the evaluation (victim and stakeholder interviews, file review, and database review) indicate that V/WAP has improved the provision of information and other services to victims. About nine-tenths (88%) of victims are contacted at some point in the case, and the amount of direct personal contact and frequency of contact with victims has increased with the implementation of the DVC. The proportion of victims receiving information from V/WAP on the criminal justice process and court documents or information on bail conditions appears to have increased with the implementation of the DVC Program. Most stakeholders (justice and community partners) across all of the sites reported that victims are generally well informed about the criminal justice process and the case against the accused and that this information most often comes from V/WAP. Based on victim interviews, about half of victims reported feeling well informed, a sizeable minority said they felt somewhat informed, and a few believe they were not at all informed. Overall, victim satisfaction with the services provided by V/WAP was generally high.

However, there are areas for improvement. Although the availability of contact information has increased for each fiscal period, the timeliness of contact is still likely affected by the fact that in about one-third of cases, victim contact information is not available prior to the first court appearance after bail. In addition, due to high case volumes and resource constraints, many sites rely more on victim initiative to maintain contact with V/WAP. Stakeholders generally believe that this situation of relying on the victim to maintain contact is imperfect. Follow-up after the incident is seen as critical to connecting victims with available services and helping them maintain their ability to participate in the prosecution.

Recommendation: Develop protocols with justice partners and community stakeholders that will facilitate the early contact of victims.

Recommendation: Ensure that necessary resources are made available to enable V/WAP to be more proactive in maintaining contact with victims.

Interviewing victims and receiving victim input. In many areas related to interviewing victims and receiving victim input, the DVC Program is showing progress. All of the focus sites had made provisions for assisting victims who want to meet with Crowns, and the proportion of victims being interviewed is increasing with 61% of victims interviewed in cases that went to trial in the most recent (partial) fiscal period. In about half of the cases where the victim was not interviewed, the victim either declined the interview or was otherwise unavailable. The majority of victims who are interviewed speak to a designated DV Crown, and this proportion increased

to almost three-quarters in the last (partial) fiscal year. For guilty pleas, two-thirds of victims had provided input, largely through V/WAP. Over half of the victims interviewed had contact with the Crown, and of those, most said that they were treated fairly. However, the evaluation also found a desire among about half of the victims interviewed for more contact with the Crown and more information from the Crown.

The evaluation found a lack of clarity around the timing and purpose of Crown interviews in Crown policy and Crown practice. Crown interviews indicate that not all Crowns are routinely interviewing victims before the day of trial, as some Crowns reported that they only routinely interview victims before the day of trial in complicated cases. In addition, Crown policy does not clearly establish expectations in the area of interviewing domestic violence victims, as it recommends that Crown interview victims shortly after charges are laid, yet at the same time emphasizes preparation for trial as the purpose of the interview. The evaluation was unable to obtain a complete understanding of Crowns' practices in interviewing victims because DOVES does not record when the victim interview occurred and defines a victim interview broadly (any victim meeting with a Crown whether in preparation for trial, input on a plea or a general information meeting); therefore, the timing and purpose of victim interviews are not clear from the available data.

Recommendation: Clarify and strengthen Crown policy on the purpose and timing of Crown interviews with victims.

Issues serving diverse communities. An objective of the evaluation was to consider the experiences of victims from diverse communities (Aboriginal people, ethnic and immigrant communities, persons with disabilities or other special needs); however, the evaluation encountered difficulties in enlisting victims. The evaluation relies, instead, on stakeholder reports of issues experienced by diverse communities.

Stakeholders in many of the sites identified cultural barriers as affecting the accessibility of DVC Program services. According to stakeholders who work with these communities, Aboriginal and ethnic/immigrant cultural communities see the DVC Program as having a middle-class, Anglo-Canadian perspective, which they find alienating. Suggestions to improve the Program included: hiring program staff who reflect the client population (particularly V/WAP, PAR and SA/DV Treatment Centre staff); conducting more outreach in diverse communities; providing more training for criminal justice professionals to help them gain a better understanding of other cultural beliefs and attitudes; and incorporating an Aboriginal component, such as healing circles or sweat lodges.

In terms of language barriers, most focus sites reported having few requests for interpreters. However, larger sites use the services more and raised issues with accessibility as well as underutilization by justice and community partners. Three focus sites are *French Language Services Act* (FLSA) designated areas. While two sites have French capacity in all three components, one does not offer a PAR program in French. Based on victim interviews, it is possible that the lack of use of French services in the focus sites (other than the largely francophone site) may be due to the poor quality of French spoken by service providers.

Sites also identified barriers for persons with physical disabilities and mental health issues: some satellite courthouses are not wheelchair accessible; main courthouses were considered accessible but not always convenient to those with disabilities (e.g., ramps at the furthest entrance or waiting rooms too small for wheelchairs to easily manoeuvre); and DVC Program services, in particular the PAR program, do not work well for persons with mental disabilities or mental illness.

Recommendation: Conduct intensive and ongoing outreach with diverse communities and consider the other suggestions presented by stakeholders in this evaluation: hire more diverse staff; provide diversity training to current staff; and look into service options that would provide an Aboriginal component.

Recommendation: Review the capacity of the DVC Program to fulfill its responsibilities under the FLSA. In particular, provide the necessary funds to enable the PAR program to provide services in French at FLSA-designated sites.

Recommendation: Review the accessibility of facilities used by DVC Program for persons with physical disabilities and consider methods to better support persons with mental disabilities or mental illness.

Accessibility issues. In addition to the accessibility issues around reaching victims from diverse communities mentioned above, stakeholders in all six sites identified geography and transportation as a major issue for all DVC Program services. For example, in rural or remote locations, even those with satellite courts, services are still limited as V/WAP workers and PAR programs are often not available on site, and accessing services requires the use of a car, which clients (victims and the accused/offender) may not have available to them. In urban jurisdictions, stakeholders pointed out that most agencies are located downtown. Reaching these agencies may require the use of public transit, and some clients cannot afford the fare.

Recommendation: Consider ways to improve access to the services provided by the DVC Program.

Gaps in services. While many stakeholders believe that services to victims have improved, they also identified some gaps in services to victims. In particular, they acknowledged that the criminal justice system is only a part of the network of supports required for victims of domestic violence. Stakeholders believe that gaps in community services affect victims' ability and/or desire to access justice services and participate in the prosecution. They think that a coordinated system should respond more directly to victim needs in a flexible and sensitive way through the provision of secondary supports, such as non-emergency housing, financial support, child care, and counselling services for victims.

Recommendation: The government should consider ways to provide more support to community organizations that serve victims of domestic violence, particularly in the areas of housing, financial support, counselling and child care.

Training. Most stakeholders have access to various training opportunities on domestic violence issues and the DVC Program. However, more training could be done with front-line officers who initially respond to the scene; stakeholders and victims still express concern that the response is too dependent on the officer involved. Other areas of potential improvement noted were: more formal training for V/WAP and PAR program staff; more training for PAR staff on the DVC Program and their role in it; more advanced training for Crown; and making training more accessible by promoting opportunities and trying to have more local training initiatives.

Recommendation: The Ministry needs to review current training offerings and:

- ▶ consider ways to support more local training initiatives on specialized skills development and collaboration
- ▶ ensure ongoing and advanced training
- ▶ include incentives and commendations for justice personnel who show leadership in using best practices identified in training.

Recommendation: Police services, which currently focus more on supervisor training, need to place more emphasis on training front-line staff in domestic violence issues.

Increasing victim safety and helping prevent re-victimization

Addressing victim safety. Stakeholders identified several ways in which the DVC Program addresses victim safety, including use of risk assessments, safety planning, and decisions on custody and conditions of release. There has been an increase in the use of a risk assessment type of tool, such as the Domestic Violence Supplementary Report (DVSR), since the DVC Program began. Stakeholders consider this tool helpful in ensuring completeness and consistency in domestic violence investigations as well as providing Crowns with information necessary to make a decision on bail. However, some stakeholders questioned its utility for assessing risk and others desired more training in how to use the information to assess risk effectively. The DVC Program also demonstrates its response to safety concerns in early decisions around detention and release. The evaluation findings show that accused have been less likely to be released at the police station or released on bail since the DVC began.

Stakeholders expressed concern with written revocable consent and its effect on victim safety. In particular, some stakeholders feared that victims are pressured either to provide consent or not to revoke it, and that it is unclear who holds the consent and monitors it when it is part of bail rather than probation. Sites handle written revocable consent in a variety of ways. Stakeholders also acknowledged that monitoring conditions in bail or probation is difficult and leaves a gap in victim safety.

Recommendation: Review the current risk assessment tools being used and consider how to better assess risk in domestic violence cases.

Recommendation: Develop best practices around the use and monitoring of written revocable consent.

Partner contact. Another key aspect of improving victim safety is the partner contact component of the PAR program. This component is critical as it supports victims while the offender is in the PAR program, and contact with the partner helps PAR staff know what issues to focus on during group sessions and how to evaluate the offender's progress. Information from the PAR program shows that the program is fulfilling its commitment on partner contact in terms of the number of contacts; however, PAR staff noted difficulties with obtaining contact information and notification from probation of PAR clients who have breached their conditions or re-offended.

Recommendation: Information-sharing among agencies is still an issue, and the MAG/justice partners need to take steps to address the issues and concerns around inter-agency provision of information.

Recidivism. While these measures show attempts to respond to concerns with victim safety, the best measure of having prevented re-victimization is a decline in reconvictions for domestic violence offences. A recent study by the Department of Justice Canada (DOJ) found that offenders who appeared in a DVC were less likely to be reconvicted of a domestic violence offence, but it did not find that the DVCs reduced the likelihood that an offender would commit any type of criminal offence (overall recidivism). The result on domestic violence reconvictions may be affected by the difficulties in categorizing offences as domestic violence because there was variability in flagging these cases. Therefore, the findings show that the DVC Program may have an effect on recidivism for spousal violence, but the result is not conclusive.

Holding offenders accountable

Enhanced investigations. In two-thirds (66%) of cases, police are gathering evidence in addition to victim testimony, which reflects an increase from pre-DVC practice. In particular, based on a review of pre- and post-DVC files, police are more often collecting 911 audio-tapes, pictures of the crime scene, and sworn videotaped victim statements. DOVES data show that where police have collected additional evidence, charges are less likely to be withdrawn and twice as likely to result in a finding of guilt.

While stakeholders believe that police response has improved, there is a feeling that it is still uneven in terms of both collecting evidence and being sensitive toward domestic violence issues and that the quality of the response is still too dependent on the officer involved. There is also the concern that due to limited resources and the time required for these investigations, police are not able to be as thorough. In addition, other justice partners and stakeholders worry that police enthusiasm is waning because of the effort of the investigations and the lack of results at the court level.

Recommendation: Police training should include data on the effect that collecting additional evidence has on case dispositions.

Prosecutions. Stakeholders almost unanimously think that the designation of DV Crowns is an improvement to the system because it allows Crowns to develop an expertise in handling DV cases, which makes them more effective in managing DV cases and more comfortable with exercising discretion. The evaluation findings show that this expertise is increasingly being used at key points in the process, such as in handling guilty pleas and trials, although even with the



increase, about half of trials are still handled by Crowns who were not designated DV Crowns at the time of the trial. However, Crowns and other stakeholders believe that DV Crowns are under-resourced and do not have adequate time to interview victims or thoroughly review all files.

Some Crowns expressed reservations about how Crowns receive the DV designation or the perception of the DV designation. Because Crowns are often assigned, they may not have an interest in working in this area, and turnover in DV Crowns is an issue at some sites. In addition, most DV Crowns are women, and some Crowns expressed concern that this gendered approach undermines the idea of DV teams and presents a system that appears biased toward a “female perspective” as in most cases female Crowns are assisting female victims. Finally, several Crowns reported that they believe that some judges are critical of how Crowns exercise their prosecutorial discretion. These Crowns think that judges sometimes perceive that the cases being pursued have no reasonable prospect of conviction. These Crowns believe that this perception has affected the judiciary’s impression of the entire DVC Program.

Recommendation: The Ministry should place higher value on the DV Crown designation. The DV Crown designation needs to be recognized in performance reviews.

Early Intervention Program. EIP was intended to have cases identified as low risk (no prior convictions for domestic violence-related offences, no significant harm to the victim, and no weapons used in the commission of the offence) become eligible for a process whereby the offender could enter an early guilty plea, have attendance at the PAR program added to bail conditions, and, after successful completion of PAR, receive a conditional discharge. The objectives of EIP are to encourage the offender to accept responsibility early in the court process and assist him with recognizing and ending abusive behaviour. The focus sites were divided about the effectiveness of EIP. Stakeholders in three sites generally did not find that EIP is operating as intended; in two sites, stakeholders reported that EIP is operating well; and in one site, stakeholders were divided. Stakeholders who are supportive of the program see merit in having EIP because it gives offenders the opportunity to express remorse, be accountable, and take steps toward resolving their problems early in the process. Another benefit cited by stakeholders is that EIP helps families to stay together, as it allows the offender and victim to have contact while the offender seeks help for the abuse. Statistics from ASRS (the PAR database) show that participants who enter through EIP are more likely to complete the program than those who enter through coordinated prosecution (88% compared to 70%).

Stakeholders (both justice and community partners) raised a number of different concerns with the EIP process in terms of effectiveness and/or consistency. First, some stakeholders questioned the criteria. Many “first-time offenders” have a long history of domestic violence, just not a conviction. Rather than basing the criteria on prior convictions, basing them on the risk to the victim would be more appropriate.

Second, the process appears to be underutilized because often circumstances operate to minimize the incentives for an accused person to accept EIP. According to stakeholders, some members of the bench fail to recognize all the objectives of EIP and, therefore, do not apply it consistently. Currently, offenders can receive the same (or even lesser) sentences after trial than if they plead guilty through EIP. The lack of consistency in the judicial application of the sentencing

principles in domestic violence cases as well as the delays in the criminal justice system, and the possibility that the victim may become worn down and recant, tends to encourage the accused to have a trial.

Third, some jurisdictions have adapted the usual EIP approach by using probation rather than bail conditions to order attendance at the PAR program. This means that offenders do not have to reappear in court to receive their sentence. Some stakeholders believe that while this may save a court appearance in most cases, it removes the incentive for completing PAR. Statistics kept in PAR's ASRS database do not indicate whether offenders entered EIP through probation or through bail so the evaluation could not determine whether EIP offenders entering through probation are less likely to complete than those entering through bail. This is an important issue for any review of the various approaches to EIP.

Fourth, in some EIP cases, courts are imposing and/or Crowns are agreeing to the use of other dispositions such as absolute discharges or peace bonds. While some stakeholders support this need for more flexibility in response, others worry about the lack of consistency.

Recommendation: The Ministry needs to conduct a comprehensive review of EIP with stakeholders to determine how best to approach these issues. Judicial input should be solicited.

Recommendation: Judicial education should include annual updates on any changes to the DVC Program; judges should be provided with information on the program components, how they operate, and their value to the court process; and judicial training should include Justices of the Peace.

PAR program. Offenders in both EIP and coordinated prosecution (CP) can be ordered into the PAR program. PAR is a critical component of the DVC Program as it responds directly to the behaviours that produce domestic violence and is intended to reduce recidivism. However, the evaluation findings show that only a small percentage of offenders enter PAR through bail (4%) and about one-third (36%) of offenders receive PAR as a condition of probation.³ In fact, other counselling is ordered more frequently than the PAR program. Stakeholders reported that the program is underutilized: many judges do not order it or will simply order counselling at the discretion of the probation officer; and probation officers do not consistently refer to the PAR program, according to PAR staff.

While PAR program statistics show success in terms of completions, they define completions according to attendance, which is not a helpful measure. In addition, the PAR reports are not standardized, and there are inconsistencies in reporting among agencies, which makes the reports difficult to assess. The outside evaluation of the PAR program did find positive attitude changes among offenders who completed the program and determined that further research is needed to establish whether identified attitude changes are meaningful predictors of change in abusive behaviour.

³ The DOVES results for offenders ordered into PAR as part of bail may be due to difficulties in interpreting the DOVES form.



Stakeholders identified many issues with the program. The format (group counselling only), the funding formula of the Ministry, the large size of groups in the larger sites, and the difficulties in receiving referrals have created accessibility issues. Some groups (women, same-sex partners, cultural/language groups) are not served at all or have long waiting periods, which works against the basic idea of EIP. In addition, the PAR program is designed for male offenders; given that 12% of offenders are female and are more likely to be acting in response to abusive behaviour by their partner, the PAR program content is not necessarily suitable, and other aspects of the program, such as the partner contact component, can put the female offender at risk.

Recommendation: Develop a protocol on referring domestic violence offenders to the PAR program when the court orders counselling at the probation officer's discretion.

Recommendation: Develop standardized completion reports and establish clear criteria for successful completion of PAR. Reports should make clear the basis of the assessment, and should be considered in decisions on sentencing or breaches.

Recommendation: Revisit the funding formula and program standards for the PAR program to ensure that there is enough flexibility for the program to address the needs of its clients.

Recommendation: Develop PAR curriculum for female offenders and consider how aspects of PAR should be modified in cases of female offenders (e.g., the partner contact component).

Case outcomes. When comparing case dispositions in the DVC Program to adult criminal cases generally, a higher proportion have a finding of guilt and a lower proportion have charges withdrawn. However, without a baseline, this finding cannot be attributed with certainty to the DVC Program as it may reflect a long-standing difference between domestic violence and all adult criminal cases in Ontario. One result that supports crediting the DVC Program with improving outcomes is the finding that where police have collected additional evidence, cases are less likely to be withdrawn and twice as likely to result in a finding of guilt.

Regarding sentences, most offenders receive probation, and about half receive incarceration. The file review indicates that while probation orders have remained consistent pre- and post-DVC, sentences with incarceration have increased since the DVC Program began (including sentences with incarceration in addition to time served). The DOJ recidivism study also found that a higher proportion of DVC offenders received a sentence of incarceration than non-DVC offenders. As noted earlier, probation conditions have increased with the DVC Program; in particular, non-association orders, no weapons, and other counselling.

Intervening early in domestic violence cases

In terms of assistance to victims, V/WAP is contacting almost all victims for whom they have contact information before the first court date (excluding bail). Many of the focus sites are attempting to contact the victim before bail as well. Therefore, the DVC Program is providing early contact with victims, and stakeholders commented that connecting victims with one service is critical because that service can then refer victims to a variety of other services to address their needs.

Only one-tenth of cases had accused ordered into EIP by bail or probation. In fact, more than half of accused screened as eligible for EIP did not enter EIP. Based on file review results, the most common reasons that an eligible accused did not enter EIP were that charges were withdrawn or the accused exercised the right to have a trial. These results, coupled with the concerns mentioned by stakeholders that some members of the bench may not recognize the objectives of EIP and that the current judicial application of the sentencing principles in domestic violence cases creates an incentive for the accused to go to trial rather than plead guilty and enter EIP, indicate that EIP is not operating as originally anticipated.

Regarding timeliness of the court process, the DVC Program fares favourably compared to the justice system generally (adult criminal cases more broadly). DVC cases take less time between first court appearance (excluding bail) and guilty pleas, trials, and dispositions. However, the file review shows that DVC cases are taking longer than pre-DVC cases and stakeholders believe that the DVC Program has not resulted in shorter times to trial for domestic violence cases. Stakeholders gave primarily three reasons for the continued backlog of cases. First, the court process is more complicated. Second, there is a lack of incentive for accused to enter EIP because courts often give similar sentences regardless of whether there has been a plea of guilt or a finding of guilty following a trial. Third, domestic violence cases often do not receive priority in scheduling and are included on dockets with other cases for at least some part of the criminal justice process (e.g., bail hearings, trials), so delays in domestic violence cases remain an issue. The question of whether the DVC Program has improved the timeliness of the court process remains an important area for further study.

To improve early intervention, most stakeholders support extending the DVC Program to bail court as the importance of extending services to victims at their early stage is considered critical (although pre-bail hearing contact is very difficult given the time lines, and expectations should not exceed what is possible) and having DV Crowns handle bail is considered vital to ensuring that release decisions are appropriately made.

Recommendation: Extend the DVC Program to bail court.

Improving coordination of services

Stakeholders in four of the six sites had primarily positive comments about the DVCAC. Two key features seem to delineate the satisfied sites from the others: the stakeholders believe that the DVCAC has a clear mandate and direction (e.g., they have developed terms of reference and protocols to facilitate collaboration and information-sharing); and they believe that the DVCAC is an effective forum for raising issues and finding solutions to present to those in authority. Stakeholders who are dissatisfied with the DVCAC often commented on its lack of a clear mandate or vision and said that it is ineffective, serving more as a forum for expressing frustrations than for finding solutions. They attributed this to the DVCAC's lack of any capacity to make changes.

Based on stakeholders' accounts, the coordination of services among some components is lacking. For example, stakeholders at four of the focus sites reported that the SA/DV Treatment Centres are underutilized by police because police either do not refer victims to the Centre or do not fully explain the nature of the services that the Centre offers. Because the Centres provide medical care, counselling, safety planning, and the collection of forensic evidence, this lack of use is considered to adversely affect services for victims as well as potentially limit the forensic evidence available to the prosecution. Another example is the coordination between probation and the other components. Some stakeholders believe that there is a gap in services between the pre- and post-sentencing phases and some victims do not receive the information from probation that they should. PAR programs also noted difficulties in getting probation officers to refer to them and inconsistencies by probation in notifying the PAR program of clients who have re-offended, which is important for both the program's counselling and partner contact responsibilities.

- Recommendation:** Sponsor annual co-leads conferences to provide ongoing support and training in DVC operations and the role and function of the DVCACs.
- Recommendation:** The DVCACs need to have senior people at the table who have the ability to influence and make local decisions.
- Recommendation:** Take active steps to encourage community-based organizations' participation in the DVCAC.
- Recommendation:** A review of the information in DOVES statistical reports should be part of DVCAC meetings.
- Recommendation:** Support DVCACs to promote effective coordination by providing resources such as best practice guidelines.

Implementation of the DVC Program

In general, stakeholders found that the DVC Program has resulted in the development of more positive working relationships among criminal justice and community stakeholders, resulting in increased cooperation and improved coordination of services and information-sharing. The DVC Program has improved services for victims and offers more opportunities for victims to obtain information and provide input. Designation of DV Crowns has promoted continuity and consistency in the prosecution of domestic violence cases, although some sites differ in their designation practices.

At the same time, the implementation of the DVC Program has not been consistent across the province and is different in each site. Part of this is of necessity. Stakeholders require flexibility to accommodate local issues, such as the size of sites, staffing requirements to respond to other aspects of the criminal justice system, and the available courtroom facilities. The Program must also respond to the individual needs of the victims and offenders in each case. As well, the Program must also operate appropriately within the broader criminal justice system accommodating itself to the principles of the conduct of a criminal case, understanding the principles of judicial independence, Crown discretion, and the rights of the offender. While keeping these considerations in mind, it is important that the sites continue to promote the basic principles of the DVC Program at every opportunity and that the Program establish clearer standards for service, so that, to the extent possible, there are consistent standards for the activities of each of the justice stakeholders.

Recommendation: Review the DVC Program to establish clearer guidelines and measurable expectations around program implementation while maintaining flexibility to allow the DVC Program to respond to varying needs.

Recommendation: Revitalize a mechanism to oversee and to provide a forum for inter-sectoral problem solving.

Resource issues

In general, stakeholders believe that domestic violence services, including the DVC Program, are under-resourced. Stakeholders pointed to the need for increased community resources (which is also discussed under “Accessibility issues” and “Gaps in services” above). In relation to DVC resources, stakeholders mentioned that even though there has been a significant increase in staff as a result of the DVC Program, Crown and V/WAP resources are stretched. In some of the larger sites, the demand for the PAR program was more than anticipated and they reported needing more funding for staff and/or for client spaces in the program.

Recommendation: Review resources allocated to the DVC Program to determine:

- ▶ whether designated resources are being used to deliver the Program
- ▶ whether additional resources or the reallocation of existing resources are required.

Monitoring the DVC Program

The administrative databases that collect information on the DVC Program require review and improvement. A review of DOVES and VicTrack showed that the information kept was incomplete and inconsistently recorded and some of the DOVES data appear to be inaccurate due to interpretation and data entry errors. Although sites can generate site-specific reports on-line, not all do so. Sites would benefit from receiving reports that demonstrate the use of the data submitted.

Currently, the DVC Program has very broad objectives that imply a broader system-wide effect when the Program actually targets improving the criminal justice system's response to domestic violence. For example, improving victim safety may be accomplished through a criminal justice response but also may be improved by funding more shelters.

- Recommendation:** Review of all databases (particularly DOVES and VicTrack) including data entry, training, and report generation to improve information management.
- Recommendation:** To assist future research, a domestic violence marker in the Integrated Court Offence Network (ICON) will allow for more accurate comparisons between domestic violence and non-domestic violence cases.
- Recommendation:** Review the DVC Program objectives to ensure they are attainable and set clear, measurable outcomes for each objective.

1.0 Introduction

The Domestic Violence Court (DVC) Program began in late 1997 and 1998 in six Ontario communities and, at the time of this report, had expanded to 49 of the 54 court jurisdictions with plans to begin operations in the remaining five jurisdictions in 2006. The DVC Program is a specialized process for handling domestic violence cases. The objectives of the program are to:

- ▶ lessen the impact of crime by providing services to victims of domestic violence
- ▶ increase victim safety and help prevent re-victimization
- ▶ hold offenders accountable
- ▶ intervene early in domestic violence cases
- ▶ improve coordination of services.⁴

The DVC Program has several core components: enhanced investigative procedures by police; designated Victim/Witness Assistance Program (V/WAP) staff; in some locations, a hospital-based Sexual Assault/Domestic Violence (SA/DV) Treatment Centre; designated domestic violence Crowns; specialized processing to expedite cases; a specialized intervention program for abusive partners with an outreach component for victims called the Partner Assault Response (PAR) program; French-language services comparable to English in the 24 designated *French Language Services Act* areas; interpreter services; specialized procedures for domestic violence cases for probation and parole staff; and an advisory committee of justice and community representatives called the Domestic Violence Court Advisory Committee (DVCAC).⁵

1.1 Purpose of this evaluation

The Ontario Ministry of the Attorney General (MAG or the Ministry) engaged PRA Inc., an independent research firm, to conduct an evaluation of the DVC Program. The work of PRA was overseen by a Domestic Violence Court Program Evaluation (DVCE) Working Group, which included representatives of the Ontario Victim Services Secretariat (OVSS), the Criminal Law Division (CLD), Court Services Division (CDS), and Corporate Services Management Division (CSMD).

This evaluation builds on earlier studies of the DVC Program and evaluations of some of its specific components; in addition, it incorporates related research conducted by other agencies. The evaluation objectives are to assess the effectiveness and efficiency of the DVC Program in meeting its objectives, to consider the experiences of victims from diverse communities, and to identify areas for improvement.

The complexity of domestic violence means that the DVC Program works within a context over which it does not have complete control. Many factors, including the social inequality of women,

⁴ Domestic Violence Court Program Logic Model.

⁵ Probation and parole and the SA/DV Treatment Centres participated in this evaluation of the DVC Program, but their services are not part of this evaluation.

affect domestic violence and the larger system has many methods for addressing domestic violence issues that are outside the DVC Program and the criminal justice system. For example, assisting domestic violence victims could involve financial supports, emergency and second-stage housing, etc. While recognizing the larger issues and myriad responses to domestic violence, this evaluation concentrates on the implementation and effectiveness of the DVC Program in its efforts to improve the criminal justice system's response.

1.2 Structure of this report

This report is divided into several sections. Section 2.0 provides background on the DVC Program as well as placing it in context by addressing key findings in the literature on specialized domestic violence court programs. Section 3.0 describes the methodology used for the evaluation. Section 4.0 presents the evaluation findings by program objective with additional sections on the administration and management of the DVC Program and an overall assessment of satisfaction with the DVC Program and suggestions for improvement provided by stakeholders and victims of domestic violence. Section 5.0 concludes and offers recommendations.

2.0 Background

2.1 Domestic violence in Canada

Domestic violence, defined as violence or other abusive treatment by intimate partners, is a continuing problem in Canada. In 2002, spousal violence accounted for 17% of violent crimes reported to a subset of police departments across Canada, and 85% of the victims were women.⁶ When considering self-reported data, 7% of Canadian women and 6% of Canadian men 15 years of age or older who have had a previous or current marital or common-law relationship reported that they had experienced violence at the hands of their partner at some point in the last five years.⁷ While a similar proportion of women and men indicated that they have experienced domestic violence, the domestic violence experienced by women tends to be more serious, occurs more often, and has greater disruptive long-term effects on their lives. In the most recent General Social Survey (GSS) on Victimization:

- ▶ Female victims were more likely to experience more serious forms of violence, such as being beaten, choked, or having a gun or knife used on them (23% compared to 15% of men). Women were also more likely to report sexual assaults at the hands of their partner (16% compared to 0% of men).
- ▶ Women were more likely to report being injured during the domestic violence incident (44% compared to 19% of men).
- ▶ Over half (57%) of female victims reported being abused more than once by their partner compared to just under half (49%) of men. About one-fifth (21%) of women reported having been abused more than 10 times by their partner compared to just over one-tenth (11%) of men.
- ▶ Female victims were more likely to fear for their life (34% compared to 10% of men) and to have to take time off from work or other daily activities because of the violence (29% compared to 10% of men).⁸

In addition, women are more likely than men to be the victim in domestic violence fatalities. A recent study of 100 domestic violence homicide cases in Ontario found that 93% of victims were female and 7% were male.⁹

⁶ Statistics Canada. (2004). *Family Violence in Canada: A Statistical Profile 2004*. Ottawa: Canadian Centre for Justice Statistics. Retrieved on June 2, 2006, from <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2004000.pdf>

⁷ Statistics Canada. (2005). *Family Violence in Canada: A Statistical Profile 2005*. Ottawa: Canadian Centre for Justice Statistics. Retrieved on June 2, 2006, from <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2005000.pdf>

⁸ Ibid. The General Social Survey conducted by Statistics Canada surveyed a random sample of approximately 24,000 Canadians who were at least 15 years of age.

⁹ Domestic Violence Death Review Committee. (2005). *Annual Report to the Chief Coroner 2005*. Toronto: Office of the Chief Coroner at pp. 24-25. Retrieved on June 30, 2006, from http://www.mpsj.jus.gov.on.ca/english/publication/comm_safety/DVDRC_2005.pdf



Canadian studies show that Aboriginal people are at greater risk of domestic violence than non-Aboriginal people or other visible minorities. In the 1999 and 2004 GSS surveys, about one-fifth (20-21%) of Aboriginal people reported being abused by an intimate partner at some point in the last five years, compared to 7-8% of non-Aboriginal people.¹⁰ According to the surveys, Aboriginal women are most at risk with about one-quarter (24-25%) having been assaulted by a partner in the last five years compared to 7-8% of the non-Aboriginal female population.¹¹ Aboriginal women experience more serious violence, such as beatings or chokings, at the hands of their partners than do non-Aboriginal women (54% compared to 34%).

Domestic violence crosses socio-demographic categories: amount of household income, education level, area of residence (urban or rural) do not appear to have much effect on the risk for domestic violence. However, domestic violence is more likely to occur in relationships between younger people (15-34 years of age), in common-law unions, in shorter relationships or relationships that have ended, or when the partner has been drinking.¹²

Domestic violence exacts a cost not only from the victim in terms of family disruption, health, and emotional and economic well-being, but also from society in general. Recent estimates are \$1.5 billion a year for health-related costs, such as medical care, absences from work, and use of crisis centres, and \$4.5 billion a year when considering costs across four service areas (social services/education, health/medicine, criminal justice, and labour/employment).¹³

2.2 Specialized domestic violence courts

Specialized domestic violence courts are a relatively recent phenomenon. In the mid-1970s, women's advocates in Canada and elsewhere worked to draw attention to domestic violence and society's response to it. In the early 1980s, recognizing the need for a new method of handling domestic violence incidents, jurisdictions in the United States began to develop specialized practices in criminal courts for domestic violence cases. Canada's first specialized domestic violence court began in Winnipeg in 1990. Since then, other countries, such as the United Kingdom, Australia, and New Zealand, have introduced specialized domestic violence courts, and the number of such courts has grown to over 300 in the US and more than 50 in Canada, with courts throughout Ontario, as well as in Winnipeg, Calgary, and the Yukon.

¹⁰ Ibid. and Statistics Canada. (2001). *A Profile of Criminal Victimization: Results of the 1999 General Social Survey*. Ottawa: Canadian Centre for Justice Statistics. Retrieved on June 2, 2006, from <http://www.statcan.ca/english/freepub/85-553-XIE/0019985-553-XIE.pdf>

¹¹ Ibid. The 1999 survey results indicated that 5% of the visible minority and immigrant population experienced a domestic violence incident in the last five years.

¹² Statistics Canada. (2005). *Family Violence in Canada: A Statistical Profile 2005*. Ottawa: Canadian Centre for Justice Statistics. Retrieved on June 2, 2006, from <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2005000.pdf>

¹³ Day, T. (1995). *The health-related costs of violence against women in Canada: The tip of the iceberg*. London, Ontario: Centre for Research on Violence Against Women and Children, and Greaves, K.L. and Hankivsky, O. (1995). *Selected estimates of the costs of violence against women*. London, Ontario: Centre for Research on Violence Against Women and Children cited in Scott, Katreena. (2006). *Attitudinal Change in Participants of Partner Assault Response (PAR) Programs: Phase II*. Toronto: Ministry of the Attorney General.

The primary rationale behind specialized domestic violence courts is that the traditional criminal justice system has not adequately responded to the complexities of domestic violence cases.¹⁴ According to some commentators, the system does not sufficiently recognize the unique nature of domestic violence cases, where the victim and the accused have social and economic ties that may affect many aspects of the case, including the victim's ability to assist the prosecution, victim safety, and the likelihood of the offender violating court orders. Because a minority of criminal cases involve domestic violence, the distinctive characteristics of these cases are often overlooked. At the same time, the past two decades have seen mandatory charging directives to police diminishing their discretion and essentially compelling them to take action based on a complaint that an act of violence has occurred. These policies have amplified the issue of domestic violence while at the same time have resulted in unintended consequences such as dual charging or women being solely charged.¹⁵ The decision to prosecute women has been found to occur without identifying a primary aggressor in spite of serious ramifications for the women.¹⁶

Commentators also contend that this failure to respond to the challenges posed by domestic violence prosecutions has occurred in part because of the attitudes of some criminal justice professionals: prosecutors who place lower priority on domestic violence cases because of the perception that most victims withdraw from prosecution; police who consider domestic violence a private matter; and judges who do not recognize the need to give priority to scheduling domestic violence cases. According to US studies, the traditional system is ineffective in reducing the number of incidents and is more lenient toward domestic violence offenders, who are less likely to be arrested, more likely to have their case dismissed or withdrawn, and more often receive less serious sentences than those convicted of similar criminal offences. A recent Canadian study also found that, with the exception of criminal harassment cases, domestic

¹⁴ This discussion is taken from the following articles/reports. Tsai, Betsy. (2000). The trend toward specialized domestic violence courts. *Fordham Law Review*, 68, 1285-1327. Mazur, Robyn and Aldrich, Liberty. (2003). What makes a domestic violence court work? Lessons from New York. *Judge's Journal*, 42, 5-11. Retrieved on September 19, 2005 from http://www.courtinnovation.org/pdf/what_makes_dvcourt_work.pdf. Peterson, Richard R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. Fritzler, Randal B. and Simon, Leonore M.J. (2000). Creating a domestic violence court: combat in the trenches. *Court Review*, 37, 28-39. Retrieved on September 19, 2005 from <http://aja.ncsc.dni.us/courtrv/cr37/cr37-1/CR9FritzlerSimon.pdf>

¹⁵ See Pollack, S., Green V., and Allspach, A. (2005). *Women Charged with Domestic Violence in Toronto: The Unintended Consequences of Mandatory Charge Policies*. Toronto: The Women Abuse Council of Toronto.

¹⁶ Chesney-Lind, M. (2002). Criminalizing victimization: The unintended consequences of pro-arrest policies for girls and women. *Criminology and Public Policy*, 2 (1) and Das Gupta, S. (2001). Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships. *Applied Research Forum* cited in Pollack, S., Green V., and Allspach, A. (2005). *Women Charged with Domestic Violence in Toronto: The Unintended Consequences of Mandatory Charge Policies*. Toronto: The Women Abuse Council of Toronto.

violence offenders were less likely than those convicted of similar criminal offences to receive sentences of imprisonment.¹⁷

No single model or easily defined typology of domestic violence courts exists.¹⁸ Rather, the structure of each court varies according to jurisdictional requirements and available resources. The goals of domestic violence courts also differ across jurisdictions, but the fundamental goals generally include increasing defendant accountability, promoting victim safety in part by improving support for victims, and enhancing the coordination among criminal justice and community agencies that respond to domestic violence.¹⁹ Based on the literature, features of specialized domestic violence courts often include:

- ▶ assignment of cases to a specialized calendar
- ▶ screening of cases for prior domestic violence cases and possibly for other related cases, such as family law cases
- ▶ victim services either through the prosecutor/Crown office or by an independent agency that provides assistance, such as information, referrals, and safety planning
- ▶ treatment programs for defendants
- ▶ dedicated court personnel
- ▶ specialized domestic violence training for court personnel
- ▶ special intake or case processing systems
- ▶ monitoring of defendants' behaviour.²⁰

¹⁷ Gannon and Mihorean studied sentences in 18 urban sites from 1997 to 2002 and found that 19% of domestic violence offenders received a prison term compared to 29% of other violent offenders; however, 32% of domestic violence-related convictions for criminal harassment were sentenced to prison compared to 26% of other criminal harassment convictions. Gannon, M., and Mihorean, K. (2004). Sentencing outcomes: A comparison of family violence and non-family violence cases. *JustResearch*, 12, 1-7. Retrieved September 18, 2005 from <http://canada.justice.gc.ca/en/ps/rs/rep/justresearch/jr12/jr12.pdf>

¹⁸ Stewart, Julie. (2005). *Specialist Domestic/Family Violence Courts within the Australian Context*. Australian Domestic & Family Violence Clearinghouse, Issues Paper 10. Retrieved on September 10, 2005 from http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper_10.pdf. This article contains an overview of domestic violence courts in the United States, Canada, the United Kingdom, and Australia.

¹⁹ Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. See also, MacLeod, D. et al. (2000) *Domestic Violence Courts: A Descriptive Study*. Judicial Council of California. Retrieved September 12, 2005 from <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/dvreport.pdf>. Ontario Ministry of the Attorney General, Request for Resources (RFR) for the Domestic Violence Court Program Review.

²⁰ *Domestic Violence Courts: A Descriptive Study*. Judicial Council of California. Retrieved September 12, 2005 from <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/dvreport.pdf>. Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. Cook, D. et al. (2004). *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems*. United Kingdom: Crown Prosecution Service and Department for Constitutional Affairs. Retrieved on September 12, 2005 from <http://www.cps.gov.uk/publications/docs/specialistdvcourts.pdf>

2.3 Profile of the Domestic Violence Court Program

In response to community concerns about the prosecution of domestic violence cases in Toronto, the DVC Program began in 1997 in the form of two pilot projects at two Toronto courts, North York and Old City Hall (also known as “K-Court”). Each pilot was based on a different model, although both included a specialized court process with teams of specially trained personnel working cooperatively to prioritize the safety needs of domestic violence victims and their children while holding offenders accountable.²¹ The early intervention program (EIP), implemented in North York, was designed to provide early intervention to victims and first-time offenders (with no previous domestic violence convictions) whose level of violence was assessed as less serious (usually meaning no weapon was used and the victim was not seriously harmed), provided they were willing to plead guilty and participate in intervention counselling through a PAR program. Outreach information and support to victims was provided through V/WAP. The coordinated prosecution (CP) model, implemented at Old City Hall, was designed to focus on coordinated and thorough investigation and prosecution of domestic violence cases that involved a repeat offender or in which a serious injury was inflicted. Police personnel received training to enhance their evidence-gathering skills in domestic violence cases, enabling Crowns to more effectively prosecute, and V/WAP provided support to victims throughout the trial process.

In mid-1997, the DVC pilot project expanded to six additional jurisdictions. Ottawa, London, and Hamilton were based on the CP model, and Peel, Durham Region, and North Bay were based on EIP. Two evaluations of the pilot projects between 1998 and 2000 determined that the EIP and CP models complemented and reinforced each other and that both approaches were necessary to ensure a comprehensive response to domestic violence in each site. These and other evaluations pertaining to the DVC Program will be discussed in greater detail in the next section.

In response to the evaluation of the DVC pilot project and the Report of the Joint Committee on Domestic Violence, which also recommended a blended model that would incorporate “early intervention and treatment for first time offenders with vigorous prosecution and increased offender accountability,” while also including “early and effective victim support,”²² the DVC pilot project became a provincial program in 1999. The EIP and CP models were combined to create one comprehensive model, which was incorporated into the eight existing sites, as well as into eight new sites (Barrie, Kitchener, Newmarket, Sudbury, Windsor, Etobicoke, Scarborough, and College Park²³) that opened as part of the DVC Program’s 2000 expansion. Further expansion occurred in 2001/02 as another eight sites began implementing domestic violence courts: Belleville, Kingston, L’Orignal, Milton, Owen Sound, St. Catharines, Stratford, and Woodstock.²⁴ In September 2001, the Ontario government announced plans for a three-year expansion to bring the total number of sites to 54. Each was to have implemented a domestic violence court process by March 2004. At the time of this report, the DVC Program had

²¹ RFR, p. 3.

²² Joint Committee on Domestic Violence. (1999). *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*, p. 62.

²³ Ontario Ministry of the Attorney General. (2000, January). *Harris government strengthens support to victims by doubling domestic violence courts*. News release.

²⁴ Ontario Ministry of the Attorney General. (2001, May). *More communities to benefit from expansion of provincial programs to support victims and help families*. News release.

expanded to 49 of the 54 court jurisdictions with plans to begin operations in the remaining five jurisdictions in 2006.

Since 1999, the DVC Program has used the definition of domestic violence recommended by the Joint Committee on Domestic Violence:

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship. Intimate relationships include those between the opposite-sex and same-sex partners. These relationships vary in duration and legal formality, and include current and former dating, common-law and married couples.

Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women. These crimes are often committed in a context where there is a pattern of assaultive and controlling behaviour. This violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets, and property. The violence is used to intimidate, humiliate, or frighten victims, or to make them powerless. Domestic violence may include a single act of abuse. It may also include a number of acts which may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse.

Criminal Code offences include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property-related offences.²⁵

²⁵

Joint Committee on Domestic Violence. (1999). Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario, p.42.

The DVC Program includes several core components including: designated Crowns who are trained in domestic violence; designated V/WAP staff; intervention programs for abusive partners with outreach to victims; use of enhanced investigative procedures by police; interpreters; French-language services; specialized processing of domestic violence cases; and an advisory committee of justice and community representatives.²⁶ The roles of the various stakeholders are identified in Table 1.

Table 1: Roles of justice stakeholders

Stakeholder	Roles
Domestic Violence Court Advisory Committee (DVCAC)	<ul style="list-style-type: none"> ▶ Facilitate effective implementation and operation of DVC Program ▶ Coordinate justice and support services and ensure respect for victims ▶ Focus on victim safety and offender accountability ▶ Provide a mechanism for information-sharing, process review and problem-solving and promote a coordinated, effective justice response by maintaining links to other community sectors
Crown	<ul style="list-style-type: none"> ▶ Prepare and prosecute domestic violence cases ▶ Joint responsibility for implementing DVC ▶ Work with and advise police on investigation and evidence gathering ▶ Inform victims on prosecution matters, seek their input, and prepare them and other witnesses for court ▶ Dedicate a team of specially trained domestic violence Crowns ▶ Implement a Crown case management system to ensure DV cases are included in the specialized process, and processes for early intervention, including a process for dealing with breaches, and coordinated prosecution ▶ Participate in and share relevant information with the DVCAC
Victim/Witness Assistance Program (V/WAP)	<ul style="list-style-type: none"> ▶ Joint responsibility for implementing DVC ▶ Establish early contact with victims via telephone and letter of introduction and provide them with information, assistance and support throughout the process to improve their understanding of, and participation in, the criminal justice process ▶ In designated areas, ensure services are available in French, and when required, arrange for a cultural interpreter and address any special victim needs ▶ Discuss safety and other concerns with victims, refer them to a community agency for a comprehensive safety plan, and make other appropriate referrals ▶ Advise Domestic Violence Crown of relevant victim issues/concerns/input, be a liaison between victims and criminal justice system stakeholders, and advocate on behalf of the victim with the Crown and police (within limits of MAG policies) ▶ Provide information to victims about the criminal justice system, services available, and the status of their cases, referring them to the Investigating Officer or a Domestic Violence Crown for inquiries regarding evidence ▶ Familiarize victims with their role in the court process through court orientation, preparation and tours, try to ensure a safe and comfortable place is available to victims while they wait to testify, and where possible, accompany victims to Crown interview and/or trial ▶ Coordinate with police and Crown to create a system to notify victims of outcomes of bail hearing, guilty plea, trial, etc. ▶ Participate in and share relevant information with the DVCAC

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Other core components, namely specialized case management policies and procedures for parole and probation staff and a hospital-based Sexual Assault Domestic Violence Treatment Centres, (where they exist) to collect forensic evidence, are not part of the current program review.

Table 1: Roles of justice stakeholders

Stakeholder	Roles
Court Services	<ul style="list-style-type: none"> ▶ Provide court services input and support in the development of DVC ▶ Provide support to the judiciary in the administration of the courts, administrative services relating to court cases, and copies of court orders and recognizance/conditions of release to V/WAP staff for conveyance to victims ▶ Facilitate exchange of information for the Bail Program through protocols and procedures and share relevant information on court procedures and facility needs ▶ Participate in DVCAC
Police	<ul style="list-style-type: none"> ▶ Investigate and gather evidence on occurrences, ensuring thorough investigation and case preparation ▶ Lay charge(s) when there are reasonable grounds and decide whether to release (with or without conditions) or to hold for bail ▶ Provide all information to the Crown for prosecution of charge(s) ▶ Notify witnesses when to attend court ▶ Testify at court hearings ▶ Provide assistance to victims based on the police service's local procedures and refer victims to services ▶ Implement one of four model police responses to domestic violence ▶ Participate in and share relevant information with the DVCAC
Partner Assault Response Programs (PAR)	<ul style="list-style-type: none"> ▶ Provide 16-week group counselling/educational intervention programs for partner abusers, giving them opportunity to examine beliefs and attitudes they have used to justify abuse, learn non-abusive ways of resolving conflict, and develop relationship expectations based on respect, autonomy and equality ▶ Maintain contact with the partner while the client is in the program to improve the victim's safety by providing outreach, support, assistance with safety planning, referrals to other community resources, and information about the PAR program, including feedback on the offender's compliance ▶ Maintain links with criminal justice partners while the client is in the program: inform probation officers and/or the court of missed appointments, provide information on the client's status with the program, and be a witness if a client is breached for program non-completion ▶ Participate in and share relevant information with the DVCAC
Interpreter Services	<ul style="list-style-type: none"> ▶ Provide language interpretation services to police, V/WAP staff, Crowns, Probation and Parole officers, hospital staff, and PAR workers ▶ Participate in and share relevant information with the DVCAC
Probation and Parole Services	<ul style="list-style-type: none"> ▶ Assess the offender's suitability for community supervision ▶ Prepare court ordered and pre-parole reports and recommend conditions that will assist supervision and address issues contributing to the offender's criminal behaviour ▶ Supervise probationers, parolees and conditional sentence offenders, enforce probation/conditional sentence orders and parole certificates, and advise police and Ontario Parole and Earned Release Board of new allegations of abuse by the offender ▶ Attend court as requested ▶ Contact victims to: explain probation's role, refer victims to support services, and obtain information about offenders, explaining the limits to confidentiality of information a victim provides ▶ Liaise with service providers, community correctional stakeholders, justice partners and the public ▶ Participate in and share relevant information with the DVCAC

Information for this table is from: Ontario Ministry of the Attorney General. (2000, May). *Implementing the Domestic Violence Court Program*.

The specialized processing of domestic violence cases allows jurisdictions to place cases into either EIP or CP. This process is illustrated in the flow chart on the following page.²⁷ The DVC Program specifies that the criteria for entry into EIP are that the accused has no prior domestic violence-related convictions, has not caused significant harm to the victim, and did not use any weapons in the commission of the offence.²⁸ The rationale behind EIP is to fast-track cases in which the parties are willing to seek assistance and to enable abusive partners to receive appropriate intervention while they are motivated to change.

The EIP process is intended to operate as follows. A domestic violence Crown screens cases for EIP eligibility, and V/WAP consults with the victims in order to seek their input and provide information and support. Eligible accused can choose to plead guilty and be ordered by the court to attend a PAR program as a condition of bail. Bail conditions can then be varied with the consent of the Crown and the victim. Upon completion of the PAR program, the accused returns to court for sentencing, at which time the court receives a report of his/her progress in the program. While the majority of sites have the accused attend PAR as a condition of bail, some sites have adapted the process so that the accused is ordered to attend a PAR program as a condition of probation, in which case there is no formal reporting session at court following program completion. If, however, the offender fails to complete the program or re-offends while attending PAR, a new charge should be laid and V/WAP will advise the victims of the new charge and ensuing process.

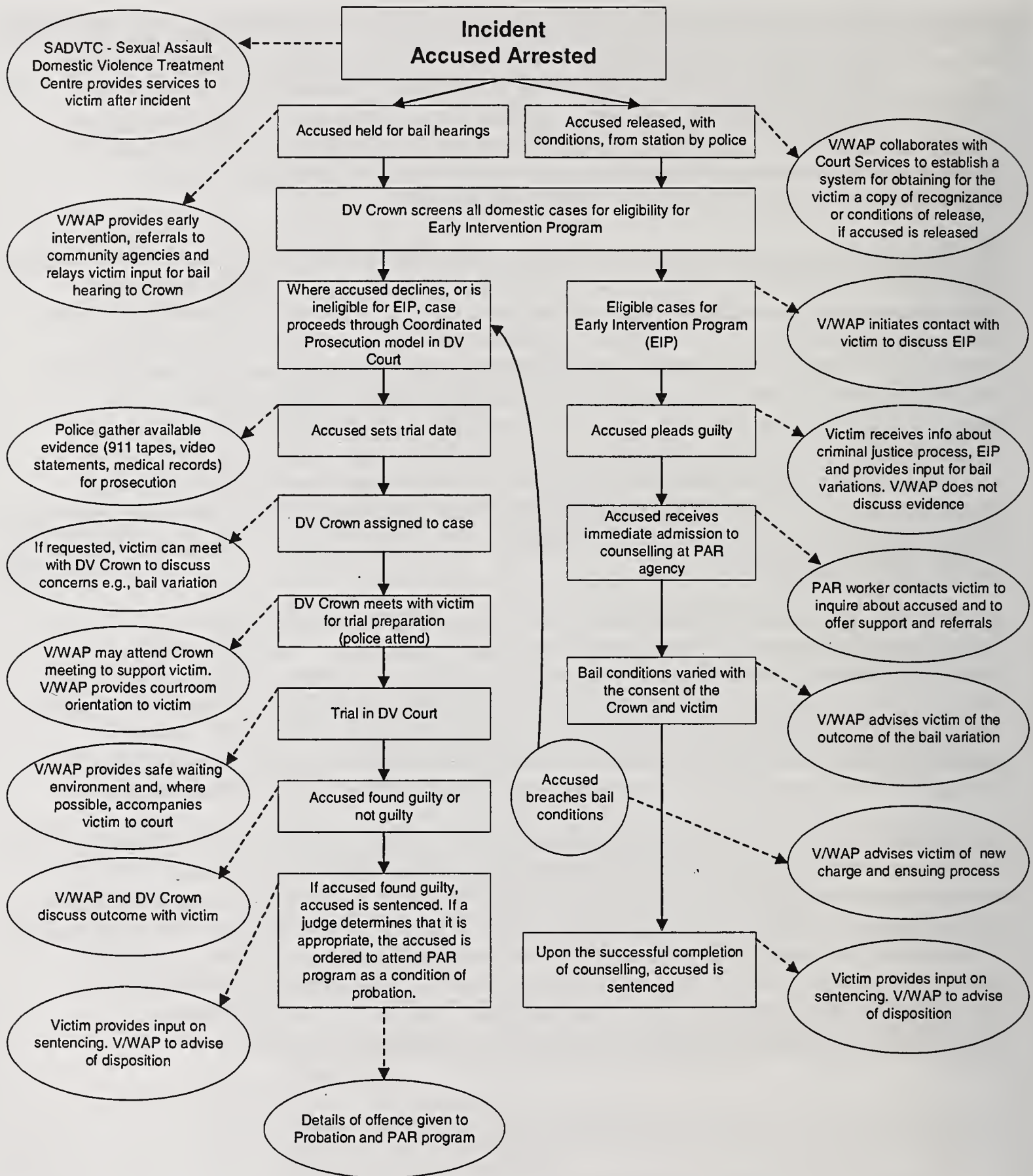
For offenders ineligible for EIP and those who decline to participate in EIP, the focus is on CP. Specially trained police conduct enhanced evidence gathering, improving the possibility of successful prosecution, and a Crown trained and designated to prosecute domestic violence cases is assigned to the case once the trial date has been set. If the accused is convicted, the Crown can choose to ask the court to order completion of a PAR program as a condition of a probation order, in addition to any other appropriate sentence. The victim receives support and information through V/WAP throughout the court process, and the case is dealt with in a timely manner.

The Ministry intended that the implementation of the DVC Program would vary depending on the volume of cases and each community's size and characteristics. Sites with a large volume of cases, such as Ottawa and Toronto, generally warrant a dedicated DVC Program, where domestic violence cases are scheduled on certain days or in designated courtrooms. In sites with medium volume, the DVC Program may operate on a part-time basis. Small, rural/remote, and northern sites with smaller populations and larger geographical areas face challenges such as access to services and isolation, which require a local approach. According to the Ministry, such approaches may include fast-tracking or "flagging" of domestic violence cases.

²⁷ RFR, p. 7.

²⁸ These criteria involve some interpretation on the part of the Crown as the Crown is expected to assess each case based on its particular facts. For example, the Crown may determine that an accused who has a prior conviction for which he or she received an absolute discharge may be eligible for EIP. For determining if there have been substantial injuries, charges of assault causing bodily harm or aggravated assault are presumptively not eligible for EIP. Types of weapons used can vary widely, and the Crown should determine if a weapon was used and if the object was used in a way to create a fear for one's safety.



**Note:**

- Language Interpreter services are available when:
 - The victim does not speak English or French
 - The accused does not speak English or French and is attending PAR
- French-speaking accused and victims are immediately identified and offered services in French, as required.
- DVCAC: An exchange channel of stakeholders as it relates to victims of DV in the criminal justice system and victim safety



Evaluations related to the DVC Program

Two previous evaluations have been conducted of Ontario specialized domestic courts. The first occurred in 1998 and considered two sites: Old City Hall (CP model) and North York (EIP model).

Evaluation of Domestic Assault Court Projects at Old City Hall and North York²⁹

Based on tracking individual cases, monitoring project implementation, and interviews with participants, this evaluation had the following key findings for the CP model in Old City Hall:

- ▶ With respect to court outcomes, the specialized court had resulted in better case preparation and the provision of stronger evidence from police to Crown, which resulted in a decrease in the proportion of cases being withdrawn and more guilty pleas, although a high proportion of the guilty pleas were being achieved late in the prosecution process, which meant that the project had yet to expedite case processing.
- ▶ The specialized court project also resulted in many offenders being referred to domestic assault treatment programs (now called the PAR program).
- ▶ In terms of services for victims, the evaluation noted some positive changes, but room for improvement. In particular, while the data were unclear, it appeared that V/WAP did not meet with between 25% and 50% of victims, which presented an important challenge, given the project's emphasis on meeting victims' needs.
- ▶ Regarding project management and implementation, the evaluators found that the key component—to provide a coordinated response from the police, the Crown, V/WAP, probation services, the intervention programs, and other community services—had been realized to a large extent. Participants appeared to understand their own and their counterparts' roles and responsibilities, to have regular communication, and to work together for common purposes.

For the EIP model, the evaluation presented the following findings:

- ▶ Overall, court outcomes were positive. North York saw a very significant reduction in withdrawals of domestic assault charges. The number of guilty pleas rose, and the Domestic Assault Program (DAP) expedited guilty pleas. Unlike the CP model, in the EIP model, more offenders plead guilty early in the process (at first appearance).
- ▶ As part of EIP, more offenders entered domestic assault treatment programs as part of their guilty plea.

²⁹

The information for the subsection has been taken from Alderson-Gill & Associates Consulting Inc. in collaboration with Myrna Dawson and Ronit Dinovitzer. (1998, October). *Domestic assault court projects Old City Hall and North York: Evaluation report*.



- ▶ However, the evaluators found the Crown was admitting some cases into DAP that did not meet the agreed-upon criteria. Some offenders charged with assault causing bodily harm or assault with a weapon, or who had criminal records were deliberately being screened into the program because the Crown thought it would be inappropriate to send them through the mainstream system where they would receive suspended sentences or conditional discharges without any measures, such as a treatment program, to address the abuse.
- ▶ Findings with regard to services for victims were generally positive. Victims reported a high degree of satisfaction with their access to support and information and with case outcomes, although they were less satisfied with their level of participation in the process, which may in part have been because they were unable to persuade the Crown to drop charges if they so wished.
- ▶ Regarding project management and implementation, project participants suggested the DAP improved the way the justice system handled less serious domestic violence cases, and communication and understanding of the roles and responsibilities of the various stakeholders was strong among project participants.
- ▶ Based on the increase in guilty pleas and decrease in court appearances and preparation time for DAP cases, it appeared that the Crown and the courts were experiencing considerable savings as a result of the project.

For both sites, the evaluators identified the need for both a senior level, cross-ministerial body to problem-solve cross-jurisdictional issues and a shared document outlining the roles and responsibilities of all the participants in the projects.

Evaluation of the Domestic Violence Courts³⁰

In 2000, an evaluation was conducted of the domestic violence courts projects that began in late 1997 and 1998 in six Ontario communities. Durham, Peel, and North Bay were EIP sites, and Ottawa, London, and Hamilton were CP sites. The evaluation relied on three data collection methods: interviews with criminal justice professionals, review of Crown briefs and V/WAP files, and interviews with victims.

Findings suggested that, overall, the courts using the EIP model were successfully implemented. A few issues arose, such as fewer referrals than expected in Peel and North Bay and longer delays between the laying of the charge and entry into the abusive men's program in Durham. In the plans for the original model, the victim was required to consent to the accused's participation in the project. However, in all three sites—Durham, Peel, and North Bay—the victim was consulted and her wishes considered, but her consent was not required.

³⁰ All information for this subsection has been taken from Moyer & Associates. (2000, March). *The evaluation of the domestic violence courts: Their functioning and effects in the first eighteen months of operation, 1998 to 1999*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the evaluation report.



The findings regarding the CP sites suggested more difficulty with implementation. The evaluators found that police investigations of domestic violence cases were slow to improve, and victim statements were not videotaped as often as had been anticipated. Photographs of victim injuries were not taken extensively. With regard to court procedures, there was not as much continuity in the Crowns assigned to the cases as had initially been anticipated. This was one of the concerns mentioned by victims in their interviews.

An analysis of case processing and outcomes pre- and post-project revealed the following:

- ▶ **Case outcomes.** In the CP courts, guilty outcomes increased from 56% to 63% pre/post, while dismissals/withdrawals/stays/not guilty fell from 30% to 26%. In the EIP sites, guilty outcomes rose from 54% to 99% pre/post and dismissals/withdrawals/stays/not guilty fell from 46% to <1% pre/post.
- ▶ **Police and Crown practices.** Greater investigative efforts were undertaken by police, either on their own initiative or in CP courts at the request of the Crown.
- ▶ **Charge type.** In both types of sites, the vast majority of charges were assault. In the CP courts, more serious charges were also laid, including assault causing bodily harm, sexual assault, and forcible confinement.
- ▶ **Pre-trial detention.** In Ottawa and London (both CP sites), there was a statistically significant increase in the proportion of accused persons who were not released at their bail hearing—from 15% to 37% in Ottawa, and from 25% to 46% in London.
- ▶ **Sentencing.** In the CP courts, there were few differences in sentences pre- and post-program. In Durham and Peel, EIP sites, the proportion of cases receiving a conditional discharge with probation increased from 19% to 80%.

A number of inter-connected factors were found to affect case processing. Case outcomes were highly influenced by victims' willingness to testify and otherwise engage with the prosecution process, which in turn was affected by the number of current charges and the severity of the charge(s), whether there was any evidence of past abuse, and the nature of the couple's relationship—estranged or separated victims were more willing than others to testify. The victim's willingness to proceed with the case and whether the victim and the accused were living together with children were the factors that most affected whether a trial date was set. Victim photographs marginally increased the probability of a guilty finding in London, and in Ottawa, videotaped victim statements predicted that the accused would be found guilty.

The evaluators also interviewed victims from project courts as well as comparison sites. The evaluators found that project victims were more likely to have met with a Crown and, in CP sites, to have met with a Crown multiple times; were more likely to have met with V/WAP staff and/or the Crown before a guilty plea or trial date; were marginally more likely to say they had received enough information about the case; and were more likely to have been informed of local resources for abused women.



With respect to abusive men's programs, a common implementation issue was a lower than expected referral rate. Several possible reasons for the lower rate were suggested: few offenders agreeing to participate in EIP; judicial and probation officer discretion in referrals to domestic violence programs instead of other general counselling programs; and slower than expected education of Crowns to request that offenders participate in an abusive men's program. Programs also struggled with a lack of resources. The main objective of abusive men's programs was to reduce or eradicate psychological, physical, and sexual abuse, and the program sites differed in terms of changes in offender attitudes and actions. According to the evaluators, "Analysis of the partner-completed Abusive Behaviour Questionnaires indicates reductions in the experience of physical and emotional abuse during the time the participants were in the program."³¹ It should, however, be noted that the fact that long-term follow-up data were not collected is a key limitation.

The evaluators offered an extensive list of recommendations covering the areas of: establishing court-based domestic violence projects, policing services, services to victims, Crowns and the courts, probation services, treatment for abusers, and research. Among the many recommendations were to:

- ▶ "Encourage police to undertake more thorough investigations in domestic violence.
- ▶ Ensure that all victims receive information about community resources and safety planning.
- ▶ Continue to improve V/WAP contacts with victims especially to keep them informed of the case's progress through the courts.
- ▶ Consider training for all Crowns on prosecuting domestic cases, including at least minimal training on interviewing victims of domestic abuse.
- ▶ Develop policies and procedures that ensure that 'vertical prosecution'—the same Crown handling the case to its conclusion—is the norm.
- ▶ Ensure that victim safety is a priority of the treatment programs."³²

Evaluation of the Partner Contact Component of the PAR program³³

In 2002, an evaluation was conducted of the partner contact component of the PAR programs in selected domestic violence court sites. Based on interviews with partners, partner contact staff, and program coordinators in selected PAR sites, the evaluation concluded that the partners were generally satisfied with the PAR program and that the contact component of the program is fulfilling its primary purpose, which is to enhance the safety of the partner. A more recent evaluation of the PAR program will be discussed in Section 4.3.5 of this report.

³¹ Ibid., p. 228.

³² Ibid., p. 263-66.

³³ The information about the partner contact component of PAR has been taken from Barbara Herring & Associates. (2002, December). *Evaluation of the Partner Contact Component of the PAR program*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the evaluation report.

Evaluation of the Model Police Response to Domestic Violence (MPRDV)³⁴

The Model Police Response to Domestic Violence (MPRDV), released by the Ministry of Community Safety and Correctional Services in February 2000 to support implementation of the *Adequacy Standards Regulation*, includes four guidelines: Domestic Violence Occurrences (the centrepiece of the model, which addresses police investigation of domestic incidents, laying of charges for breach of court orders, and victims' assistance and safety), Bail and Violent Crime, Criminal Harassment, and Preventing and Responding to Occurrences Involving Firearms. The Ministry developed several tools to assist in the implementation of these guidelines, including a Domestic Violence Supplementary Report Form (DVSRF) with an accompanying guide, an information sheet on videotaped sworn statements in domestic violence cases, a template on safety planning, and in-service domestic violence training for police officers.

In September 2002, the Ministry initiated an evaluation of the MPRDV to identify best practices. Over the last three years, the evaluation has studied 38 different police services. In-person interviews were conducted with police personnel, Crown, and victim services personnel at all sites.

An analysis of findings to date reveals that most police services have adhered to ministry guidelines, incorporating them into their domestic violence policies and procedures, and the majority have designated Domestic Violence Coordinators who provide a consistent approach to tracking domestic violence occurrences. A number of larger services are, however, looking at changing to delivery model option B, which involves establishing a specialized unit of domestic violence investigators to undertake, manage, or review the investigation of domestic violence occurrences.

The most recent evaluation data available, which involve the 20 services evaluated in 2005, identified several areas requiring further attention, including:

- ▶ Lack of consistency in the way in which dispatchers obtain information from complainants and the fact that dispatchers are not included in the domestic violence training that front-line officers receive.
- ▶ Perceived need for additional domestic violence training. There is a need for domestic violence investigators in 9 out of 20 police services to complete ministry-accredited training. In 7 of 20 services, there is a need for domestic violence coordinators to complete ministry-accredited training, and in approximately half of the services, there is a need for front-line officers to receive regular refresher training.
- ▶ Mandatory charge policy should be followed when there are reasonable grounds to conclude that a domestic violence offence has occurred.
- ▶ Front-line officers should be delivering personal safety plans to victims upon initial response. In addition, victims are not being provided with pamphlets on the community resources available to them.

³⁴

The information about the MPRDV has been taken from Ministry of Community Safety and Correctional Services (2006). *Evaluation of the Model Police Response to Domestic Violence 2006 Report*.



- ▶ The use of video taped statements should be included in all police services.
- ▶ The need for front-line officers to be aware of the availability of interpreters/translators.
- ▶ Flagging Special Interest Police and Firearms Interest Police entries in the Criminal Convictions, Conditional and Absolute Discharges and Related Information section of the Canadian Police Information Centre database (CPIC) pertaining to domestic violence occurrences.
- ▶ The importance of having a domestic violence coordinator to oversee domestic violence investigations; however the rank differential of having a domestic violence coordinator who is a Constable overseeing domestic violence investigators who are at minimum Sergeants was identified as an issue.
- ▶ The importance of consistent police representation by the domestic violence coordinator at community coordinating committee meetings.

The evaluation of the MPRDV is to continue through 2006, incorporating the remaining municipal police services, and the intention is to initiate a plan to address identified gaps.

Language interpreter services³⁵

Between February and September of 2003, the Cultural Interpreter Service and Training Program (CISTP) was evaluated. CISTP supports language interpreter services in several areas related to the needs of victims of domestic violence who do not speak English, including, specifically, the domestic violence courts, which include interpreters as one of the core components of each site. The evaluation methodology included document and data review, site visits, and interviews with program leaders, front-line service providers, and victims. The evaluation showed that the program was rated as highly effective by those it was designed to serve.

French-language services

A core component of each DVC Program site is French-language services that are of comparable quality to English services. Two studies have emphasized the need for improved French-language services in the domestic violence court context. One of the primary conclusions in Brunet and Garceau's 2004 study, "Doing so much with so little...", is that the Ontario government's decision to give bilingual organizations the mandate to offer victim support services in French has resulted in inadequate services in French, particularly outside of the Eastern region. They concluded that, although there have been improvements in the provision and accessibility of French-language services, more work remains to be done.

Similarly, Kathryn Penwill's study for the *Action ontarienne contre la violence faite aux femmes*, entitled *Les Tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes?* concluded that French-language services for victims of domestic violence need to be improved and put forward two recommendations: that the DVC services and the extent to

³⁵ The information about language interpreter services has been taken from Quality Performance Associates. (2003). *Program evaluation – Cultural interpreter services training program*.



which francophones are represented within the DVCAC in the designated regions to offer services in French be evaluated and that necessary corrections be made; and that a provincial protocol to identify the lack of French services within the DVC services be developed.

2.4 Key findings from literature on specialized domestic violence court programs

As previously noted, specialized domestic violence courts exist in many forms, varying organizationally, procedurally, and in the services they offer, although certain elements recur often. While there is a growing body of literature about specialized domestic violence courts, much remains to be learned about their effects, and systematic comparison of outcomes across jurisdictions is challenging due to structural differences among courts, as well as discrepancies with respect to the nature of the data collected. Moreover, many of the evaluators of domestic violence courts have noted the difficulties inherent in conducting studies of their effectiveness, such as the difficulties in identifying domestic violence cases because they are not flagged in court administrative data, and the problems with securing an appropriate baseline that will allow for comparisons of pre- and post-specialized domestic violence courts.

In spite of these challenges, it is possible to summarize findings regarding the effects of domestic violence courts upon case processing times; plea, conviction, and sentencing patterns; victim participation and satisfaction; and recidivism. Findings are based on a review of a number of evaluations from Canada, the US, the UK, and Australia.

- ▶ **Case processing time** – Most specialized courts experienced either a reduction in case processing time (from first appearance to disposition) or met their pre-established goals despite increased caseload. Those that did not tended to experience delays due to program structure or outside factors, such as defence tactics.
- ▶ **Plea, conviction, and sentencing patterns** – Findings have been inconsistent as to the impact of specialized domestic violence courts on plea, conviction, and sentencing patterns. Some courts have experienced increases in the number of guilty pleas, and conviction rates increased in some jurisdictions and remained the same in others. Results regarding sentencing patterns vary widely among courts. In some jurisdictions, jail sentences became more common or the median jail sentence length increased, whereas in other courts, the proportion of convicted defendants who were incarcerated decreased or there were no changes in sentencing patterns.
- ▶ **Victim participation and satisfaction** – Few studies have examined victim satisfaction with specialized courts and the impact they have on victims' willingness to participate in the court process, and researchers have noted this as an area requiring further study. The studies available appear to generally indicate high levels of satisfaction among victims participating in specialized courts. One study that compared specialized court participants with a group of participants from comparison sites found specialized court participants to be more likely to say they were treated fairly by police, had been told about local resources for abused women, and had received enough information about their cases. In another jurisdiction, following the implementation of a specialized domestic violence



court, the proportion of victims who were satisfied with the prosecutor and indicated they would go to court if they were hurt again decreased, although this was believed to be attributable to changes in the case screening process rather than to the establishment of the specialized court.

- ▶ **Recidivism** – Studying recidivism is logistically challenging, and it is often not possible to assess the extent to which changes are attributable to implementation of a specialized court. Most evaluations that have attempted to study the effect of specialized courts on recidivism rates have reported reductions. Results must, however, be interpreted cautiously, since the degree to which potential intervening variables were controlled for is not always clear. One study, which compared data from two specialized courts with data from a mixed docket court, found higher re-arrest rates in the specialized courts' jurisdictions than in the mixed docket court's jurisdiction with legal, case processing, and demographic variables controlled for. It was concluded not that the specialized courts increased recidivism, but rather that re-arrests in the mixed docket court's jurisdiction were more likely to be incorrectly classified as non-domestic violence re-arrests.
- ▶ **Coordinating services** – Many specialized courts implicitly or explicitly seek to enhance coordination and collaboration within the justice system and between the justice and service sectors through a multi-agency partnership approach. Process evaluations and less formal preliminary observational data from various courts have indicated that specialized courts have improved inter-agency collaboration and information sharing. Research in the UK has linked the adoption of a holistic approach with reductions in repeat victimization, and in Canada, the Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation identified "co-ordination of justice system response (in policy and practice)" and "co-ordination with a range of other service providers"³⁶ as critical features of successful specialized domestic violence courts.
- ▶ **Effectiveness of treatment programs for defendants** – The degree to which intervention programs are mandated for offenders varies among the courts studied. In the UK, such orders are in the minority, while Canadian and US courts rely more heavily on these programs as a method of holding offenders accountable. Some studies have found little to no difference in the extent to which specialized courts versus control courts order defendants into treatment programs, and there have been contradictory findings and a lack of long-term follow-up data with respect to the effectiveness of these programs. Nevertheless, the Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation identified key elements of effective abusive partner intervention programs, including a partner outreach component, admission as early as possible following the offence, and accountability and monitoring mechanisms to ensure offender compliance. Analysis of partner-completed Abusive Behaviour Questionnaires as part of an evaluation of the DVC Program indicated reductions in physical and emotional abuse during the abusive men's program. In an American study, offenders assigned to batterer intervention, substance abuse, or combined programs were

³⁶ *Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation*, prepared for Federal-Provincial-Territorial Ministers Responsible for Justice, April 2003.

studied and compared with offenders who were not mandated treatment. The findings revealed high rates of program non-completion, particularly for programs that involved substance abuse treatment. Having prior arrests was a predictor of program non-completion, and program non-completion in turn predicted recidivism. Defendants in the comparison group were more likely to have received a jail sentence and were therefore also more likely to have a prior and a more serious criminal history and to have been previously incarcerated. Not surprisingly, recidivism was higher among these defendants than among those mandated treatment. This study illustrates some of the difficulties in assessing the effectiveness of batterer intervention programs.



3.0 Methodology

Sections 3.1 and 3.2 discuss the consultation process used in the evaluation, and the remaining sections (3.3 to 3.9) present the lines of evidence used in this evaluation.

3.1 Development of evaluation framework

OVSS and CLD developed a logic model (Appendix A) based on the DVC Program's objectives that included possible lines of evidence for the evaluation. While this logic model served as a starting point for structuring the evaluation, the Ministry of the Attorney General also desired a consultation process to ensure that stakeholder groups had input into the design of the research. The consultation process had several stages that included many stakeholder groups:

- ▶ The Ministry solicited feedback from co-leads of the DVCs and corporate staff on sample evaluation questions, which, along with the logic model, served as the basis for designing a draft evaluation framework.
- ▶ The draft framework then received extensive review and comments from the DVCE Working Group, the co-leads of the DVC jurisdictions, and participants in a focus group conducted with representatives of Violence Against Women (VAW) advocacy groups and a feedback mechanism for other stakeholders (e.g., Legal Aid Ontario, Ontario Crown Attorneys' Association, Criminal Lawyers' Association).
- ▶ This feedback was incorporated into the framework; however, the framework remained a "living document," which was subject to change as the research warranted.

The final evaluation framework is organized around main issues that are typical of evaluations: rationale/relevance; implementation; program effectiveness and outcomes; and improvements/alternatives (see Appendix B). It articulates the research issues and questions and links them to a data collection strategy. To enhance the reliability and validity of the findings, the DVC Program evaluation employed several data collection methods wherever possible to respond to the research questions. These data collection methods included:

- ▶ a literature review
- ▶ six site visits, which included interviews with DVC Program stakeholders and victims as well as a file review
- ▶ analysis of information provided by MAG provincial databases
- ▶ incorporation of studies undertaken by other researchers that were relevant to the DVC Program evaluation.

3.2 Provincial focus groups

The MAG set up a process where representatives of VAW advocacy groups could provide input at three stages in the evaluation: the development of the evaluation framework (as discussed in Section 3.1); the preliminary evaluation findings; and the draft final report. PRA presented preliminary findings in April 2006 at the focus group with VAW advocacy groups, after the visits to the six focus sites were completed. At that time, analysis of the data compiled during the evaluation was ongoing, so the focus group involved a presentation of high-level findings by PRA. The draft final report was shared in advance of the third meeting held on May 30, 2006.

3.3 Literature review

The literature review provides context for the research and focuses on studies and evaluations of specialized domestic violence court programs. It responds to some of the questions identified in the framework (see the framework for the specific questions). Program rationale is considered by providing an in-depth profile of the DVC Program, including the policy challenges to which it is responding and the results of previous evaluations of the Program. It also examines the development and effectiveness of other domestic violence court programs in Canada and internationally to obtain information on program and policy alternatives.

In order to prepare the literature review report, PRA reviewed mainly academic and government material. Most of the government material on the DVC Program was supplied by the OVSS and CLD. PRA gathered publicly available material on domestic violence court programs in Canada and internationally by conducting an exhaustive Internet search as well as using academic databases. The literature review was completed early in the project, so that it could provide a foundation for the evaluation.

3.4 Site visits

The evaluation team conducted six site visits. The MAG chose the focus sites using the following criteria:

- ▶ "Variations in size (Large, Medium, Small)
- ▶ A site from each of the six regions
- ▶ Geographic mix (including Northern, Urban and Rural)
- ▶ One site designated a French Language Site
- ▶ One site with a significant Aboriginal population
- ▶ Some sites that have been reviewed as part of the evaluation of the Police Model Response

- ▶ Sites not involved in other pilots (i.e. Bail Safety or ODARA)³⁷
- ▶ At least one site serving satellite courts
- ▶ All sites must have a DVC program operational for at least 2 years."³⁸

The focus sites are listed in Table 2.

Table 2: Focus sites for the DVC Program evaluation		
Region	Site	DVC began operations
East	L'Orignal	March 2003
West	Owen Sound	March 2002
North	Sault Ste. Marie	March 2003
Central East	Newmarket	January 2002
Central West	Halton	September 2002
Toronto	College Park	September 2000

Each DVC site has two co-leads, the local V/WAP manager and a Crown counsel, and they served as the research team's primary contacts for the site visits. Before PRA contacted the sites, OVSS sent a letter to the sites to introduce the study. PRA then contacted the sites, first with a memorandum detailing the activities that the site visit would involve and then with a follow-up telephone call. The co-leads assisted PRA with the logistics of the site visits.

The site visits occurred between November 2005 and February 2006. Each lasted from three to four days with anywhere from two to seven researchers attending, depending on the size of the site. At each site, the research team conducted interviews with stakeholders, a review of Crown briefs and V/WAP files of cases pre- and post-DVC Program, and interviews with victims. Each of these activities is described in the following sections.

3.5 Stakeholder interviews

Each site visit included interviews with a variety of stakeholder groups that represent the various components of the Program: Crowns, V/WAP staff, court managers, language interpreters, police, PAR program staff, probation officers, SA/DV staff, and representatives of community organizations that serve victims. The co-leads assisted in identifying representatives among these stakeholder groups who would have sufficient experience with the DVC Program to answer detailed questions concerning its operation and effectiveness. In addition, interviews were conducted at each site with representatives of defence counsel, who were identified by the Criminal Lawyers' Association, and duty counsel, who were identified by Legal Aid Ontario.

³⁷ ODARA is the Ontario Domestic Violence Assault Risk Assessment tool.

³⁸ Letter to stakeholders, dated May 30, 2005, from Diane Nannarone, Director of Domestic Violence Initiatives.

The target number of stakeholders to be interviewed for the evaluation was between 100 and 125. PRA interviewed 119 individuals across the six sites, as shown in Table 3.

Table 3: Stakeholders interviewed		
Category of stakeholder	#	%
Community organizations serving victims	27	23%
Court manager	6	5%
Crown	17	14%
Defence counsel/Criminal Lawyers' Association	5	4%
Duty counsel/legal aid	5	4%
Language interpreter	4	3%
PAR staff	11	9%
Police	17	14%
Probation and parole	9	8%
SA/DV centre staff	5	4%
V/WAP	13	11%
Total	119	100%

The distribution of stakeholder interviews by site is in Table 4.

Table 4: Stakeholders interviewed by site		
Sites	#	%
College Park	23	19%
Halton	21	18%
L'Orignal	12	10%
Newmarket	19	16%
Owen Sound	26	22%
Sault Ste. Marie	18	15%
Total	119	100%
The Owen Sound site visit coincided with a meeting of the Grey Bruce Domestic Violence Coordinating Committee (GBDVCC) and a group interview was conducted with the GBDVCC, which accounts for the large number of Owen Sound stakeholders.		

In consultation with the DVCE Working Group, PRA developed interview guides that were based on the evaluation framework. Most questions in the guides were asked of all stakeholders and enabled stakeholders to comment on all components of the DVC Program, not just their own. The guides also included some additional questions tailored to the stakeholder groups. The first site visit was used as a pre-test of the interview guides and some changes were made after that visit to shorten the interviews, which had proven to be quite lengthy. The interview guides are in Appendix C.

Each stakeholder was sent an introductory letter on either OVSS or CLD letterhead that explained the research, the interview process, and the type of questions that would be asked. PRA then telephoned stakeholders within one week of their receiving the letter. If they were interested in being interviewed, PRA scheduled the interviews to occur during the site visit if scheduling permitted or at another time by telephone. PRA then sent each stakeholder a confirmation letter with the date, time, and place or method (telephone or in person) of the interview. The letter also explained how their confidentiality was to be ensured (i.e., they would not be named in any report and their information would be reported with that of the other stakeholders in such a way that they could not be identified) and was accompanied by the interview guide, so that the stakeholder could review the questions in advance.

3.6 File review

Both Crown and V/WAP files were part of the file review. Using V/WAP files, co-leads identified a sample of domestic violence cases that the DVC handled as well as cases that occurred before the DVC Program in that site, where possible. Once a sample of V/WAP files was identified, the co-leads requested corresponding Crown briefs from the police services that stored them. For some sites, this required requesting files from multiple police services.

The method of sampling files differed somewhat across the sites because the research team worked with the site co-leads to develop a process that would not be unduly burdensome for each site; nonetheless, for all sites, the process was still time-consuming. Because files are kept differently in each site (e.g., some police services purge files after a certain time period) and the ability of police services to provide the assistance necessary to pull files varied, each site required its own approach. For DVC cases, two sites set aside V/WAP files and Crown briefs for the evaluation as the cases were completed in the courts to obviate the need for police to pull Crown briefs, while the other four sites selected a random sample typically for the most recent year but sometimes also for past years of the DVC's operation where these V/WAP files were available and asked police services to pull the Crown briefs. For pre-DVC files, sites usually could identify files for the year before the DVC began operations except for one site, which could not provide pre-DVC files due to the length of DVC operations in that site.

Information available for the cases was inconsistent and, sometimes, incomplete. While some cases had both the Crown brief and the V/WAP file, for others, the Crown brief had been culled of certain materials or only the V/WAP file remained, which limited the information available for making comparisons with post-DVC files. In addition, complete V/WAP files were also not always available, particularly for older files. While printouts from Victim Tracking, or VicTrack, the V/WAP database, were usually contained in the files, this information was incomplete and sites differ in their use of VicTrack.

Due to the method of sampling and the incomplete nature of some of the files, the file review results should be seen as illustrative but not necessarily representative of DVC and pre-DVC cases. In addition, when researchers were unable to determine certain information for a sizeable proportion of the files (about 15% or more), that information is presented both out of the total sample and out of the files for which the information is available.

The evaluation had hoped to review files for 1,000 cases (700 DVC and 300 pre-DVC); however, because of the limitations in identifying and obtaining files, particularly for pre-DVC cases, 740 cases were included in the file review (601 DVC and 139 pre-DVC). Table 5 presents the number of cases reviewed for this evaluation by site.

Table 5: File review		
Site	DVC cases	Pre-DVC cases (Baseline)
College Park	245	0
Halton	75	20
L'Orignal	50	24
Newmarket	97	30
Owen Sound	48	24
Sault Sainte Marie	86	41
Total	601	139

In consultation with the DVCE Working Group, PRA developed a file review template (Appendix D). The data collected during the on-site file reviews was data entered and coded. The information was then analyzed using SPSS, a statistical software package used by social science researchers.

The following tables (6-9) provide some demographic information of the cases in the file review.

- ▶ The average age of the accused was 37 years of age for DVC and pre-DVC cases (see Table 6).
- ▶ The average age of the victim was similar for DVC (35.5 years of age) and pre-DVC cases (34.7 years of age) (see Table 7).
- ▶ Most accused were male; however, the proportion declined from pre-DVC (94%) to DVC cases (84%). Similarly, most victims were female and the proportion declined from 92% pre-DVC to 80% DVC (see Tables 8 and 9).
- ▶ While not presented in a table, the proportion of same sex couples was 1% (n=1) in pre-DVC files and 2% (n=14) in DVC files.

Table 6: Accused age on day of offence

Age (in years)	DVC cases (N=601)		Pre-DVC cases (N=139)	
	#	%	#	%
18 to 29	162	27%	46	33%
30 to 44	296	49%	61	44%
45 to 59	113	19%	19	14%
60 and over	18	3%	10	7%
Age unknown	12	2%	3	2%
Mean	37.0	N/A	36.9	N/A
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

Table 7: Victim age on day of offence

Age (in years)	DVC cases (N=601)		Pre-DVC cases (N=139)	
	#	%	#	%
18 to 29	157	26%	42	30%
30 to 44	267	44%	60	43%
45 to 59	78	13%	16	12%
60 and over	18	3%	3	2%
Age unknown	81	13%	18	13%
Mean	35.5	N/A	34.7	N/A
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

Table 8: Accused gender				
Gender	DVC cases (N=601)		Pre-DVC cases (N=139)	
	#	%	#	%
Male	505	84%	130	94%
Female	87	15%	8	6%
Can't determine/No response	9	2%	1	1%
Source: File review				

Table 9: Victim gender				
Gender	DVC cases (N=601)		Pre-DVC cases (N=139)	
	#	%	#	%
Male	93	16%	7	5%
Female	483	80%	128	92%
Can't determine/No response	25	4%	4	3%
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

3.7 Victim interviews

The evaluation's goal was to conduct approximately 60-100 interviews with victims of domestic violence who have had involvement with the DVC Program and whose case had reached final disposition. The evaluation also attempted to consider the experiences of victims from diverse communities, such as victims from different ethnic, racial, and cultural backgrounds; victims who wanted services in French; and victims who needed to use the interpreter services or had other special needs. PRA developed an interview guide for victims (Appendix E) in consultation with the DVCE Working Group. A total of 61 victims were interviewed. Most were one-on-one interviews, but three victims participated in a focus group in Hamilton.³⁹

Because of a lower-than-hoped-for response from victims generally and the small number of victims from diverse communities, the evaluation used a multi-pronged approach to seeking victim input. Initially, the evaluation relied on V/WAP staff to contact victims because they have interacted with many of them and because going through V/WAP would protect the victims' privacy by ensuring that PRA did not receive their personal information until they contacted PRA and consented to an interview.

PRA asked V/WAP staff to contact a sample of victims whose cases had closed in the last year and to try to ensure participation of different ethnic, racial or cultural groups, and victims who had used services in French, required the assistance of interpreters, or had other special needs. The process for contacting victims provided flexibility to accommodate the preferences of the V/WAP co-lead at each site. PRA provided V/WAP with a script that could be used to explain the research to victims, so that V/WAP offices that had sufficient resources to make telephone contact with each victim could use the script in making those calls. PRA also provided staff with

³⁹ To increase participation, the evaluation expanded the victim interviews beyond the original six sites.

packets that they either mailed to potential interviewees or handed to them during conversations. Each packet included a letter that described the research, explained the interview process, and discussed issues of confidentiality. It also contained a consent form with a self-addressed return envelope. Once the consent form was returned to PRA by the victim, PRA contacted the victim to schedule an interview that could either be by telephone or in person during the site visit. Upon request, PRA also provided a questionnaire to those who preferred to participate in writing.

This process of contacting victims required significant time commitment from V/WAP staff, particularly if they undertook phoning victims in advance of sending the consent packets. While contacting the victim prior to sending the consent packets worked best for encouraging participation, it required substantial V/WAP staff time that not all sites could provide. Staff typically called victims and/or mailed packets to three to four times more victims than the evaluation's goal for victim interviews. Identifying victims from diverse communities or who had special needs was particularly difficult, as this information (other than the need for interpreter services) is not routinely recorded in V/WAP files. Because, the response rate was less than hoped for, and the evaluation undertook a second approach to contacting victims.

In January, a number of additional victim outreach activities were initiated. PRA prepared supporting materials for these activities, which included a script for explaining the evaluation to victims and a flyer for distribution to victims. The flyer briefly presented the research and asked victims who had been through the DVC Program, and whose cases had reached a final disposition, to call PRA's toll-free number (one for English and one for French) to indicate their interest in participating. Victims could do the interview on the spot or schedule it for another time. All of these additional interviews were conducted by telephone.

The additional outreach activities included:

- ▶ Members of the provincial focus group (which includes francophone groups, Aboriginal groups, and multi-cultural groups) were given the script and flyer and asked to introduce the evaluation to their clients.
- ▶ V/WAP managers in the six focus sites were asked to introduce the evaluation and hand out the flyer to their clients whose cases closed between January and March 31, 2006.
- ▶ A corporate office staff member used VicTrack information to identify victims from Toronto courts not included in the focus sites and phoned them to introduce the evaluation. Victims who expressed an interest in participating were sent the flyer.
- ▶ PRA continued working with community agencies in the six focus sites to determine if they would be willing to contact their clients about the evaluation.

For all methods of contacting victims, materials (scripts, consent packets, questionnaires, and flyers) were provided in French and English. PRA also conducted interviews in English or French based on the victim's preference. If victims needed an interpreter for another language, this service was arranged with the assistance of V/WAP. During site visits, the evaluation reimbursed victims who participated in in-person interviews for their travel and daycare expenses.

Given the sampling process, the number of victims contacted for the research who refused to participate is unknown. Of the victims contacted, 61 participated in interviews. Reasons for non-participation or disqualification of potential interviewees included not having a case in the DVC Program (outside the time frame), not having a completed case, refusal to participate, tried multiple times but received no answer, left message as requested but was not returned. Because of the size and non-random nature of the sample, the victim interviews provide victim input on the DVC Program but should not be interpreted as representative of all domestic violence victims who have experienced the DVC Program services.

The following are demographic data for the 61 victims interviewed and the type of cases in which they were involved:

- ▶ **Languages.** When asked to identify their first language spoken and still understood, most of those interviewed said English (n=40), a sizeable minority said French (n=11), and a small number (n=8) listed other languages, including Farsi, Cantonese, Urdu, Italian, or Russian. A few (n=2) chose not to respond to this question.
- ▶ **Place of birth.** Most (n=47) were born in Canada, although a sizeable minority (n=13) were born outside of Canada. One chose not to respond to this question.
- ▶ **Ethnic identity.** When asked what they considered to be their ethnic identity, most said European or Canadian (n=40), some specified French Canadian (n=10), and a few identified themselves as Asian (n=6) or Filipino (n=2). One person self-identified as having each of the following ethnic identities: Aboriginal and Hispanic. The others did not respond.
- ▶ **Gender.** Almost all were women (n=57 women and n=4 men).
- ▶ **Date of incident.** Most (n=40) were involved in incidents that occurred in the last two years.
- ▶ **Relationship to accused.** The accused was most often the victim's spouse (n=26), followed by her common-law partner (n=10), boyfriend (n=8), ex-boyfriend (n=8), or former spouse/common law partner (n=6). A few victims did not provide this information.
- ▶ **Charges.** By far, the most common charge was assault (n=39). Some victims reported other charges: (in order of frequency) criminal harassment; uttering threats; assault causing bodily harm; breach of undertaking; assault with a weapon; sexual assault; and attempted murder.
- ▶ **Case disposition.** Half of their cases were disposed of by guilty plea (n=30). The other most common dispositions were: (in order of frequency) conviction at trial, charges dropped or withdrawn, peace bond, and charges stayed.

3.8 Database analysis

The evaluation includes information from the CLD's Domestic Violence Evaluation System (DOVES) database, which is a provincial database for the DVC Program, and the Automated Statistical Reporting System (ASRS) database used by the PAR program. Findings from these databases are presented for the entire province and are not restricted to the six focus sites.

3.8.1 DOVES

The CLD established the DOVES database in 2000 to monitor the DVC Program. The information in DOVES comes from a paper form that is completed by Crown and V/WAP staff and is then inputted into the database.

After some Crowns and V/WAP raised issues concerning the time commitment required to input data into DOVES and the insufficient administrative resources for keeping DOVES up to date, the CLD launched a new streamlined version of DOVES in February 2005. The evaluation uses the data captured in this version of DOVES. Among the cases entered into the new DOVES system are cases completed before February 2005, but that were not yet entered into the old DOVES system. Sites were given the option to enter their backlog of forms into the new DOVES. While these forms differ, the sites entered information based on what was required by the new DOVES form. A copy of the new DOVES form is in Appendix F. The interpretation guide provided to Crown and V/WAP for completing DOVES is in Appendix G.

Upon a review of DOVES before the DVC Program evaluation, the CLD noted that the number of cases in DOVES did not reflect the number of closed domestic violence cases in the jurisdictions in the DVC Program. In October 2005, the OVSS and CLD contacted all sites to determine the outstanding amount of cases with completed forms ready to be entered into the database. This review found that, due to lack of time and resources at some sites, approximately 6,000 backlogged cases were waiting to be inputted into DOVES.

To facilitate the evaluation and assist with the backlog, the CLD and OVSS jointly funded two short-term staff to complete the outstanding data input for these DOVES forms. Forms were sent in from various sites to a central location during the period of October 31 to December 21, 2005. This was a one-time, short-term solution to deal with forms that were completed but not yet entered into the system in order to improve the database for this evaluation.

Issues with DOVES data

Non-random sample

While the CLD and OVSS made substantial efforts to enter backlogged cases into DOVES, not all of the backlog could be identified and entered in time for this analysis. Therefore, the results reported are based on a non-random sample of DVC cases and should be interpreted accordingly.

Responses for “most serious charge”

For most DOVES questions, DVC staff were to respond based on the most serious charge. Specifically, these questions involved:

- ▶ offence date
- ▶ release information for the accused
- ▶ EIP information
- ▶ dispositions (except for found not guilty, which applies to all charges)
- ▶ sentences
- ▶ sentence conditions.

For cases in which the accused pleaded or was found guilty, sentences and conditions were entered into DOVES based on the outcome for the most serious charge. Therefore, DOVES does not reflect all sentences and conditions for cases in which the accused pleaded or was found guilty on multiple charges.

Questions removed

The database contained all DOVES fields, with the exception of the names of the Crown and the accused, which were not provided for reasons of confidentiality. Without the name of the accused, the analysis team could not explore issues of recidivism and sentencing for repeat offenders.

Guilty pleas versus plead guilty

In the DOVES database, two questions referred to guilty pleas entered by the accused. The first question was located in the Crown section of the DOVES database and asked “Did the accused plead guilty?” The second question (plead guilty, found guilty disposition) was located in the Disposition and Sentence Conditions section. For many records, the responses to the two questions did not match. There were many records in which the accused pleaded guilty in the Crown section, but had a disposition other than plead guilty found guilty in the disposition sentence and vice versa. Because questions in the Crown section of the DOVES database depended on the response to “Did the accused plead guilty?”, responses to this question are used in Section 4.1.3 on obtaining victim input for guilty pleas and Section 4.3.2 on Crown handling of guilty pleas. All other information that refers to cases in which the accused pleaded guilty was taken from the Disposition and Sentence Conditions section of the DOVES database.



Responses to “Did the accused go to trial?”

This question in DOVES was intended to capture whether a trial occurred in a case and not whether some other disposition (withdrawal or guilty plea) occurred on the day of trial. Given this expectation, this variable had responses that were inconsistent with other responses. For example, some cases entered into DOVES that had dispositions of plead guilty found guilty also indicated yes to trial (n=500),⁴⁰ while others with dispositions of plead not guilty found guilty (n=117) or found not guilty on all charges indicated no to trial (n=283). After consultations with the DVCE Working Group, the decision was made to clean these data to make the response to “did the accused go to trial” consistent with the responses to disposition. The result is that those who indicated plead guilty found guilty were re-coded as “no” to trial and those who indicated dispositions of plead not guilty found guilty or found not guilty on all charges were re-coded as “yes” to trial.

Notes on reporting DOVES data

Analysis by time periods. As noted in the above sections, DOVES records do not reflect all DVC cases since the inception of the DOVES database. About 500 of the over 12,000 records concluded prior to April 1, 2004. Because of the small number of cases in earlier fiscal years, this report has combined cases from the 2003-04 fiscal year and prior for comparison purposes. Throughout this report, comparisons are made between the partial fiscal year of approximately April 1, 2005, to December 21, 2006;⁴¹ April 1, 2004, to March 31, 2005; and March 2004 and prior. Because few cases were entered for the time period prior to March 2004, comparisons are primarily based on the latest two periods (April 1, 2005, to December 21, 2005; April 1, 2004, to March 31, 2005). In addition, comparisons should be interpreted as indications of potential trends, as the time lines of the data are too truncated to establish trends definitively.

⁴⁰ In these cases, it is likely that those completing the DOVES form indicated yes to trial when the accused pleaded guilty on the day of trial.

⁴¹ Please note that this is a partial fiscal year, based on cases entered into DOVES that were completed between April 1, 2005 and December 21, 2005. The latter date is when previously unentered DOVES forms were sent to a central location for data entry.



Regional reporting. For most analyses, DOVES data are presented by six DVC administrative regions of the Ontario Ministry of the Attorney General: the East, Central, Central-West, Toronto, North, and West regions. It is important to note that not all current DVC sites were represented in the DOVES data. In total, 39 of the DVC sites entered records into the DOVES database. Table 10 lists the sites for each region that were represented in the database. Those that appear in bold were selected for site visits as part of the DVC evaluation.

Table 10: Sites with DOVES records by region

East	Central ⁴²	Central-West	Toronto	North	West
Belleville	Barrie	Brampton	361 University	North Bay	Kitchener
Brockville	Kawartha Lake/ Haliburton (Lindsay)	Brantford	Central Operations	Sault Ste. Marie	London
Cornwall	Newmarket	Halton	College Park	Sudbury	Owen Sound
Kingston	Oshawa	Hamilton	Old City Hall	Walkerton	Sarnia
L'Orignal	Peterborough	St. Catharines	Scarborough		St. Thomas
Ottawa	Whitby	Welland			Stratford
Pembroke					Windsor
Perth					Woodstock
Picton					
Stormont, Dundas, and Glengarry					

Missing data. Not all cases have information for some fields in the DOVES database. When the proportion of cases missing information is substantial, the results are presented out of the total sample as well as out of the cases for which the information is available.

Demographics from DOVES data

As shown in Table 11, almost three-quarters of DOVES data came from three regions (West, Central-West, and East), with each accounting for approximately one-quarter of the data. The Central region accounted for slightly more than one-tenth of cases, while the Toronto and the North regions each accounted for less than one-tenth.

Table 11: Number of records by region (N=12,160)

Region	#	%
Province	12,160	100%
East	2,676	22%
Central	1,453	12%
Central-West	2,856	23%
Toronto	989	8%
North	777	6%
West	3,409	28%
Source: DOVES		
Note: Columns may not sum to 100% due to rounding.		

42

The Central region is referred to as the Central-East region in some departments. Central region is used throughout this report.

Based on their date of disposition, over half of DOVES records were from the current partial (April to December 2005) fiscal year, while 41% of records were from the 2004-05 fiscal year. Few records were from the 2003-04, 2002-03, or 2002 and prior fiscal years. See Table 12.

Table 12: Number of DOVES records by fiscal year (N=12,160)		
Fiscal year	#	%
April 1, 2005 – December 21, 2005	6,710	55%
April 1, 2004 – March 31, 2005	4,949	41%
April 1, 2003 – March 31, 2004	426	4%
April 1, 2002 – March 31, 2003	64	1%
Before April 1, 2002	11	<1%
Source: DOVES		
Note: Columns may not sum to 100% due to rounding.		

As Table 13 shows, the vast majority (77%) of accused were 44 years of age or younger; most were 30 to 44 years of age. Seventeen percent were age 45 to 59, and 2% were 60 years of age or older.

Table 13: Accused age (N=12,160)		
Age (in years)	#	%
18 to 29	3,685	30%
30 to 44	5,750	47%
45 to 59	2,045	17%
60 and over	276	2%
Age unknown	404	3%
Average age	35.8 years	
Source: DOVES		
Note: Columns may not sum to 100% due to rounding.		

As shown in Table 14, 88% of accused were male, and 12% were female. The proportions of accused males were similar across regions.

Table 14: Accused gender by region (N=12,160)					
Region	N	Male		Female	
		#	%	#	%
Province	12,160	10,694	88%	1,466	12%
East	2,676	2,267	85%	409	15%
Central	1,453	1,252	86%	201	14%
Central-West	2,856	2,555	89%	301	11%
Toronto	989	883	89%	106	11%
North	777	670	86%	107	14%
West	3,409	3,067	90%	342	10%
Source: DOVES					

3.8.2 ASRS

ASRS is the database used by the PAR program. ASRS tracks monthly activities, such as the number of referrals by month, source of referrals, number of intakes/assessments, number refused admission, number of PAR-DVC offenders who completed PAR by month, etc.). Because PRA did not have access to raw ASRS data, analyses were limited to those generated in ASRS on-line reports. This limited the ability to use these data and resulted in the removal of several indicators from the evaluation framework, as the data did not support the analysis necessary to answer certain questions. In addition, because ASRS collects data based on activities over a monthly reporting period rather than by client, the information such as the percentage of individuals who completed PAR is based on the information available and should be interpreted as an estimate.

ASRS data are presented by fiscal year (April 1 to March 31 for each of the following years): 2002-03; 2003-04; 2004-05; and the partial fiscal year of January to December 2005.⁴³

3.8.3 Other databases

The evaluation also reviewed two other databases for possible use in the study, but concluded that the information contained in them would not support the needs of the evaluation.

VicTrack. VicTrack is the case management system used by V/WAP to record its interactions with clients. Upon reviewing VicTrack for this evaluation, it became apparent that, because V/WAP offices also keep paper files of their client interactions, the information kept electronically in VicTrack was incomplete and inconsistently recorded across the six sites. Due to these issues, the evaluation could not use VicTrack to provide an overview of V/WAP activities for all domestic violence files in the six sites. Instead, the use of VicTrack information was restricted to the 740 files in the file review, as V/WAP files typically included a print-out of the information contained in VicTrack and, therefore, served to supplement the information in the paper files.

CRIS. The evaluation also considered the use of the Crown Resource Information Services (CRIS) to determine Crown time spent on domestic violence cases. CRIS is a structured database used for tracking the demands for legal resources in individual Crowns' offices to staff court and court-related activities. However, CRIS does not produce reports solely for domestic violence cases, and time is recorded in half-day increments based on the major activities for the day rather than all activities of Crown (one activity for morning and one activity for afternoon). Therefore, CRIS cannot provide a valid and reliable measure of all Crown time spent on domestic violence cases.

⁴³

This includes ASRS on-line reports for the months of April 1, 2005, to December 2005.

3.9 Incorporation of other research

This evaluation also incorporates findings from other research.

Recidivism study. The Department of Justice Canada (DOJ) recently completed a study entitled *Offender Profile and Recidivism among Domestic Violence Offenders in Ontario*, which the MAG provided to PRA for incorporation into the final report on the evaluation of the DVC Program.⁴⁴ The DOJ study compares offenders who appeared in DVCs with those who appeared in non-DVC jurisdictions across a number of dimensions, including offence characteristics, criminal history, and recidivism. In addition, the study considers factors that affect the likelihood of recidivism more generally.

The study uses a random sample of 1,000 offenders who were convicted of a domestic violence offence between January 1 and December 31, 2001 (which is termed the *index domestic violence conviction*): 500 of these offenders were convicted in a jurisdiction that had a DVC Program at the time of the study (DVC offenders), and 500 were convicted in a jurisdiction without a DVC Program in operation (non-DVC offenders). To identify the sample, the researcher used DOVES to identify DVC offenders and the RCMP's Volunteer Screening Initiative (VSI) to identify non-DVC offenders.

Personal identifying information (name, date of birth) from those systems was used to access the offenders' criminal records as contained in the Criminal Convictions, Conditional and Absolute Discharges and Related Information section of the Canadian Police Information Centre database (CPIC). The offenders' criminal record from the time of the index domestic violence conviction in 2001 until December 31, 2003, was used to assess recidivism. For the purposes of the DOJ study, recidivism is defined as one or more reconvictions for any criminal offence (not just domestic violence) within the time between the index domestic violence conviction and December 31, 2003.⁴⁵

Results from this study are discussed in Section 4.2.3.

Partner Assault Response program evaluation. The PAR program is a specialized intervention program for abusive partners with an outreach component for victims. This program had a recent study of attitudinal change among male participants, the findings of which are incorporated into this report (see Section 4.3.5). The study builds on earlier work done on the PAR program and had three main objectives:

- ▶ determining if participants experienced changes in their attitudes toward violence from pre- to post-intervention
- ▶ assessing the support provided to women by the PAR program

⁴⁴ Quann, N. (forthcoming). *Offender Profile and Recidivism among Domestic Violence Offenders in Ontario*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.

⁴⁵ The study used this time frame after consulting experts in the DOJ's Research and Statistics Division, who considered this time period to be sufficient to accurately measure recidivism.



- ▶ examining the PAR program's contribution to the system of promoting change in abusive behaviour.⁴⁶

The study was based on a sample of 203 men from 10 participating agencies throughout Ontario who completed intake into their PAR program during the months of September and October 2005. Due to attrition, 147 men completed the group for a drop-out rate of 28%.⁴⁷ Of these men, 140 completed pre- and post-intervention self-report assessments of their attitudes, which were analysed to determine possible changes in their attitudes. In addition, 63 women whose partners were in the original sample consented to participate in the research. Of these women, 37 also participated in post-intervention research. They completed a self-report assessment of their perception of their safety when their partner entered PAR as well as changes in their partners' attitudes after the PAR intervention. Finally, PAR counsellors were asked to judge the men's attitudes pre- and post-intervention.

Other information on court processes. This evaluation also uses data obtained from other sources to assist with making comparisons between DVC cases and all criminal cases in terms of outcomes and timeliness of the court process. Specifically, information contained in the Integrated Court Offence Network (ICON) system, which is used by the Ministry to track criminal cases in the Ontario Court of Justice, is used to compare time from the first court date to disposition date as well as the disposition of the case. The ICON data used are for all adult criminal cases decided between April 1, 2004, and March 31, 2005. As well, Juristat data compiled by the Canadian Centre for Justice Statistics (CCJS) is used to compare DVC dispositions with all adult criminal cases in Ontario. The most recently available Juristat data is used (April 1, 2003 to March 31, 2004).⁴⁸ There are several limitations to the comparison between these data sources and the DOVES data.

- ▶ Both Juristat and ICON data included all adult criminal offences; therefore, they include domestic violence cases from DOVES. While a better comparison would be between domestic violence cases in DOVES to adult criminal cases that do not include the cases found in DOVES, that is not possible given how the data is captured and presented in these two sources.
- ▶ Each information source uses a different unit of measure. ICON considers all charges in a case and records information for each charge separately. Juristat uses a system more closely related to that used by DOVES (most serious charge, see Section 3.8.1). In cases with multiple charges, Juristat uses a system of priority that is based on the most serious charge: if the case has a finding of guilty to any charge, that finding is deemed to be the most serious charge; if there are multiple findings of guilt, the most serious offence based on type of offence and sentence imposed is used.

⁴⁶ Scott, Katreena. (2006). Attitudinal change in participants of Partner Assault Response (PAR) programs: Phase II.

⁴⁷ The most common reasons for attrition included conflicts in scheduling work and the PAR program group session that could not be resolved and participants' becoming involved again in the justice system.

⁴⁸ Canadian Centre for Justice Statistics. (2004). Adult Criminal Court Statistics. Juristat, 24 (12). Ottawa: Statistics Canada.

- ▶ ICON only tracks cases in the Ontario Court of Justice. Therefore, if a case is sent on to the Superior Court of Justice, the disposition date in ICON is the date of the preliminary hearing where the case is committed to trial in the Superior Court. In DOVES, the disposition date is the date the case was finally disposed of whether in Ontario Court of Justice or the Superior Court of Justice. While few of the charges in ICON (about 6%) relate to cases sent to Superior Court, this difference in data collection between DOVES and ICON does mean that ICON will have shorter times to disposition for these cases than will DOVES.

4.0 Findings

Findings are presented by the DVC Program's five objectives with additional categories to cover administration and management and satisfaction and suggestions for improvements to the program.

4.1 Improving services for victims

The discussion of this objective considers several aspects of providing services to victims:

- ▶ V/WAP's efforts in contacting victims and providing them with information and services
- ▶ obtaining input from victims at various stages in the prosecution, including Crown interviews with victims
- ▶ using designated Crowns to interview victims and prepare them for trial as well as the continuity of the Crown who conducts the interviews and handles the trial
- ▶ victim satisfaction with DVC Program services
- ▶ provision of special services (language services and assistance at SA/DV Treatment Centres)
- ▶ accessibility issues with services.

4.1.1 Contacting victims

The evaluation found that most of the V/WAP offices in the focus sites have protocols with police to provide incident/occurrence reports of all domestic violence matters on the following day. These reports typically include victim contact information as well as a summary of the incident. In one larger site, V/WAP is typically notified of domestic violence incidents through bail court or by the Crown; police officers notify V/WAP only if there are heightened safety concerns.

While some of the focus sites contact victims before bail (this will be discussed further in Section 4.4.1), most contact victims as soon as possible after bail in order to provide information on V/WAP's services and update the victim on the case, including providing information on the results of the bail hearing. The initial contact is usually by letter (in some sites by telephone). Most of the focus sites reported that victims are also contacted by telephone at least once. Caseload volume and resource constraints affect services victims receive, according to many of the V/WAP staff. Most sites described a process of keeping victims apprised that relies more on victim initiative to call them after court dates to find out what occurred at court. However, in high-risk cases, V/WAP takes a more proactive approach in contacting and updating victims.

Based on an analysis of DOVES data, the vast majority of domestic violence victims were contacted by V/WAP at some point during the court process (88% in all cases and 91% in cases

that went to trial).⁴⁹ The lowest proportion of victims contacted was in the Central-West region, where 78% of all victims and 75% of victims in cases that went to trial were contacted by V/WAP. Table 15 presents the complete results.

Table 15: Victims contacted by V/WAP at any point in criminal case by region

Region	Contacted by V/WAP all cases (N=12,160)					Contacted by V/WAP Trial cases (N=1,936)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Province	12,160	10,697	88%	1,463	12%	1,936	1,760	91%	176	9%
East	2,676	2,537	95%	139	5%	509	492	97%	17	3%
Central	1,453	1,246	86%	207	14%	206	199	97%	7	3%
Central-West	2,856	2,220	78%	636	22%	367	276	75%	91	25%
Toronto	989	817	83%	172	17%	230	193	84%	37	16%
North	777	720	93%	57	7%	78	75	96%	3	4%
West	3,409	3,157	93%	252	7%	546	525	96%	21	4%

Source: DOVES

Based on DOVES data, the proportion of victims contacted by V/WAP overall and in cases that went to trial did not differ substantially by fiscal year; the vast majority of victims were contacted in each fiscal period. See Table 16 for results.

Table 16: Victims contacted by V/WAP at any point in criminal case by fiscal year

Fiscal period*	Contacted by V/WAP all cases (N=12,160)					Contacted by V/WAP Trial cases (N=1,936)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Apr 2005 - Dec 2005	6,710	6,001	89%	709	11%	928	861	93%	67	7%
Apr 2004 - Mar 2005	4,949	4,238	86%	711	14%	923	818	89%	105	11%
Mar 2004 and prior	501	458	91%	43	9%	85	81	95%	4	5%

Source: DOVES

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

As shown in Table 17, a higher proportion of victims were contacted when the accused was a male than when the accused was a female.⁵⁰

Table 17: Victims contacted by V/WAP at any point in criminal case by gender

Accused gender	N	Contacted by V/WAP all cases (N=12,160)			
		Yes		No	
		N	%	n	%
Male	10,694	9,518	89%	1,176	11%
Female	1,466	1,179	80%	287	20%

Source: DOVES

⁴⁹ The DOVES Interpretation Guide defines contact with the victim to include any method, such as letter, telephone, e-mail, in person, etc.

⁵⁰ DOVES data do not include the victim's gender. Although it may be reasonable to assume that males are more likely to have a female victim and vice versa, without victim information, the association between V/WAP contacts and gender can be made only for the gender of the accused.

The DOVES finding on the proportion of victims contacted by V/WAP is supported by the file review, where over nine-tenths (94%) of victims in DVC files were contacted by V/WAP. The file review findings also support the DOVES data, as there are not substantial differences over time; V/WAP contacted 94% of DVC victims and 96% of pre-DVC victims. See Table 18.

Table 18: Victims contacted by V/WAP

Was victim contacted by V/WAP?	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
Yes	567	94%	133	96%
No	27	5%	5	4%
Can't determine/No response	7	1%	1	1%

Source: File review
Note: Columns may not sum to 100% due to rounding.

The file review also considered the type and frequency of contact by V/WAP, and results show that victims received multiple contacts using a variety of methods. According to the file review results, victims are most likely to be contacted by mail and/or by telephone.⁵¹ However, comparing DVC to pre-DVC files shows that V/WAP has used more direct personal contact and more frequent contact with DVC victims than with victims in pre-DVC cases:

- ▶ Victims in DVC cases were more likely to have in-person contact with V/WAP (37% compared to 26% in pre-DVC cases) or telephone contact (80% compared to 58%).
- ▶ In addition, V/WAP contacted victims on average six times compared to four times before the DVC Program began.

See Table 19 for complete results.

Table 19: Type and frequency of contact by V/WAP

By what method was victim contacted?	DVC cases (N=567)		Pre-DVC cases (N=133)	
	n	%	n	%
Mail	478	84%	107	81%
Phone	454	80%	77	58%
In person	212	37%	35	26%
Fax	7	1%	--	--
Other	1	<1%	--	--
Can't determine/No response	8	1%	6	5%
Average number of contacts per victim (considering all methods of contacting victims)		6.0	4.3	

Source: File review
Base: Victims contacted by V/WAP
Note: More than one method of contacting victims could have occurred. Column totals may sum to more than 100%.

⁵¹ In the file review, researchers counted "successful" contacts (e.g., letters where there was no indication in file that they were returned; messages left on victim's answering machine that provided information on the case to victims; actual phone or in-person conversations with victims).

Almost all of the victims interviewed had been contacted by V/WAP during their case, which is not surprising given the primary method of obtaining victim participation (using V/WAP to assist in contacting victims). For most victims, V/WAP initiated the contact by phone or mail. The interview results support the file review data as victims received multiple contacts from V/WAP and often via more than one method. The victims interviewed were asked to recall the number of times they met in person with V/WAP staff. Their responses ranged from 0 to 30 times; the average number of in-person contacts was about four. Victims estimated talking to V/WAP on the telephone between 0 and 50 times with an average of about 10 telephone conversations.

Issues with contacting victims

Stakeholders cited typical issues with contacting victims, such as transience, incomplete contact information, and lack of up-to-date contact information, particularly when victims have moved to shelters.

DOVES collects information on the availability of victim contact information, and analysis of the data shows that V/WAP had victim contact information prior to the first court appearance of the accused (excluding the bail hearing) in just under two-thirds (64%) of cases. In just over one-third (36%) of cases, contact information was not available prior to the first court date. As shown in Table 20, there was considerable variation by region:

- ▶ In the North region, 92% of cases had victim contact information.
- ▶ Other than the North, the West at 79% was the only region that had more than two-thirds (66%) of victim information available.
- ▶ At 42%, Toronto had the lowest proportion of cases in which victim contact information was available.

Table 20: Victim contact information available prior to first court appearance of the accused (excluding bail hearing) (N=12,160)					
Region	N	Contact information available			
		Yes		No	
		n	%	n	%
Province	12,160	7,801	64%	4,359	36%
East	2,676	1,572	59%	1,104	41%
Central	1,453	956	66%	497	34%
Central-West	2,856	1,444	51%	1,412	49%
Toronto	989	417	42%	572	58%
North	777	717	92%	60	8%
West	3,409	2,695	79%	714	21%
Source: DOVES					

The proportion of victims with contact information available to V/WAP prior to first court appearance of accused increased for each fiscal period. By the most recent (partial) fiscal period, almost three-quarters (71%) of cases had victim contact information. See Table 21 for complete results.

Table 21: Victim contact information available prior to accused first court appearance (excluding bail hearing) by fiscal period (N=12,160)					
Fiscal period*	N	Contact information available			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	6,710	4,754	71%	1,956	29%
Apr 2004 - Mar 2005	4,949	2,826	57%	2,123	43%
Mar 2004 and prior	501	221	44%	280	56%
Source: DOVES					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

One factor that potentially limits the timeliness of service to victims is the ability of V/WAP to successfully connect with victims. Based on DOVES results, of the victims who were contacted by V/WAP, 69% responded to V/WAP's first contact attempt (65% of victims of only trial cases are considered). As shown in Table 22, victim response to first contact varied across regions; the East and Toronto regions had the lowest response rates, and the Central and North regions have the highest.

Table 22: Victims who responded to first V/WAP contact by region										
Region	Responded to first V/WAP contact All cases (N=10,697)					Responded to first V/WAP contact Trial cases (N=1,760)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Province	10,697	7,411	69%	3,286	31%	1,760	1,137	65%	623	35%
East	2,537	1,381	54%	1,156	46%	492	224	46%	268	54%
Central	1,246	998	80%	248	20%	199	172	86%	27	14%
Central-West	2,220	1,745	79%	475	21%	276	219	79%	57	21%
Toronto	817	471	58%	346	42%	193	89	46%	104	54%
North	720	614	85%	106	15%	75	68	91%	7	9%
West	3,157	2,202	70%	955	30%	525	365	70%	160	30%
Source: DOVES										
Base: Cases where victims contacted by V/WAP										

The proportion of victims who responded to V/WAP's first contact has increased over time and in the most recent (partial) fiscal year 75% of victims responded to the first V/WAP contact in all cases and in 74% of trial cases where V/WAP contacted the victim. See Table 23.

Table 23: Victims who responded to first V/WAP contact by fiscal year										
Fiscal period*	Responded to first V/WAP contact All cases (N=10,697)					Responded to first V/WAP contact Trial cases (N=1,760)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Apr 2005 - Dec 2005	6,001	4,505	75%	1,496	25%	861	634	74%	227	26%
Apr 2004 - Mar 2005	4,238	2,719	64%	1,519	36%	818	475	58%	343	42%
Mar 2004 and prior	458	187	41%	271	59%	81	28	35%	53	65%
Source: DOVES										
Base: Victims contacted by V/WAP										
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).										

One factor affecting the responsiveness of victims to V/WAP's outreach appears to be gender. For cases in which the accused was a male, more than 71% of victims (likely female) responded to V/WAP's first contact.⁵² This compared to 57% of victims (likely male) in cases in which a female was accused. See Table 24.

Table 24: Victims who responded to first contact by V/WAP by accused gender (N=10,697)					
Accused gender	N	Responded to first contact			
		Yes		No	
		n	%	n	%
Male	9,518	6,742	71%	2,776	29%
Female	1,179	669	57%	510	43%
Source: DOVES					
Base: Victims contacted by V/WAP at any point in the criminal case					

4.1.2 Services and information provided to victims

Types of services and information provided

In interviews, V/WAP staff reported providing victims with information on the criminal justice and court process, bail conditions, variations, court dates, results of court appearances, and information about and referrals to various agencies, as well as information and referrals for safety planning. In addition, V/WAP offers court preparation, assistance with completing victim impact statements, accompaniment to court or Crown meetings, and will obtain victim input at various stages of the court process (bail, variations, sentencing) that they will forward to the Crown. While staff noted that they explain their range of services to victims, the kinds of assistance victims receive depends on their interest in the different types of services offered.

The file review results (see Table 25) on information provided to victims by V/WAP show that:

- ▶ Victims received information on the criminal justice process in about two-thirds (62%) of the DVC files and in about half (53%) of the pre-DVC files.
- ▶ In DVC files, victims received court documents or information on bail conditions over half (56%) of files compared to just over one-quarter (28%) of pre-DVC files.
- ▶ Court orientation and preparation did not change with the DVC Program as about one-fifth of files both pre- and post-DVC indicated that V/WAP gave this information to victims (20% and 19%, respectively). While not shown in Table 25, in cases that went to trial, 55% of victims received court orientation and preparation in DVC cases compared to 18% in pre-DVC cases.
- ▶ In 21% of DVC files, V/WAP obtained victim input on sentencing compared to 17% of pre-DVC files. While not shown in Table 25, V/WAP obtained victim input on sentencing in 25% of DVC cases where the accused either plead guilty or plead not guilty and was found guilty compared to 19% of pre-DVC cases.

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DOVES data do not include the victim's gender.

- In two key areas, the information provided to victims dropped in the DVC files when compared to pre-DVC: information on the case against the accused went from about 58% to 42%; and safety planning information dropped from 26% to 21%.⁵³

Please note that the information on V/WAP activities is taken largely from the VicTrack entries and notes, which, as discussed in the methodology (Section 3.6), may not be complete. Therefore, Table 25 results likely under-represent the activities of V/WAP.

Table 25: Services provided by V/WAP

Types of services	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
Information on the criminal justice process	374	62%	73	53%
Court documents or information on bail conditions	335	56%	39	28%
Information on case against the accused	256	43%	80	58%
Provided brochures (e.g., Tips for Witnesses)	185	31%	61	44%
Discussed ministry policy (prosecution policy on withdrawals)	149	25%	12	9%
Input on sentencing	128	21%	24	17%
Safety planning information	124	21%	36	26%
Court orientation and preparation	120	20%	27	19%
Input on bail hearing	93	16%	14	10%
Referrals to community agencies	92	15%	12	9%
Victim impact statement	73	12%	18	13%
Introduction letter/initial information letter	59	10%	21	15%
Joint session with Crown and victim	57	10%	11	8%
Court accompaniment	40	7%	15	11%
Assistance with memorandum to Crown/police/other	37	6%	6	4%
Outreach	19	3%	--	--
Information on probation order	18	3%	7	5%
Victim information form (VIF) completed	13	2%	2	1%
Advocacy	10	2%	1	1%
Discuss desire for/letter about a peace bond	8	1%	2	1%
Emotional support	8	1%	2	1%
Discussed PAR program	6	1%	--	--
Discussed EIP	6	1%	--	--
Information regarding sentence/disposition	4	1%	12	9%
Withdrawal request/information about withdrawal	4	1%	2	1%
Other	39	7%	9	6%
No contact/Can't determine type of contact	36	6%	6	4%

Source: File review

Note: More than one answer could be provided. Column totals may sum to more than 100%.

In interviews, victims reported receiving a wide-range of information and services. Most victims reported receiving the following services (in order of frequency of response): provision of relevant court documents, information on the case, information on the criminal justice process generally, emotional support, and referrals to community agencies. In terms of the types of information they received, when applicable to their case, almost all of the victims interviewed said they were told what charges were laid, why charges were withdrawn, bail determinations and conditions, updates on court proceedings, final sentence, and probation conditions. Most

⁵³ In accordance with the V/WAP manual, V/WAP does not do safety planning with victims but instead provides them with information about safety planning and referrals to organizations that do safety planning.

victims received details of the plea agreement, although this was an area where a higher proportion of victims reported not receiving information. In general, consistent with its mandate to provide information to victims, V/WAP was the most common source of the information, except for charges laid, where police and V/WAP were equally likely to have provided this information.

Perception of services/information provided

Most stakeholders (justice and community partners) across all of the sites reported that victims are generally well informed about the criminal justice process and the case against the accused and that this information most often comes from V/WAP, although in some sites police provide information on release decisions, bail and probation conditions, and outcomes (particularly if there is a victim notification officer). Police also provide information on services for victims at the time of the offence, but some stakeholders questioned whether this is occurring or is done effectively where victims understand the information they are receiving. A few stakeholders also suggested that more follow-up should be done because connecting victims with available services is critical. According to these stakeholders, victims with adequate support are better able to assist the prosecution and less likely to seek a withdrawal of charges.

Most stakeholders could not identify any information that victims should be receiving but are not currently. Those who could gave the following examples:

- ▶ Victims are not always notified of release decisions or are notified some time after the decision has been made, which creates additional stress for victims.
- ▶ Victims sometimes receive so much information shortly after the incident that they are overwhelmed and cannot retain it all.
- ▶ Information provided by police can be inconsistent; for example, police do not always inform victims of their possible role in bail, or of bail release decisions. In addition, the information on services for victims may be simply handed to victims on a card but not explained by police.
- ▶ Victims need more information about mandatory charging and the criminal justice system more generally because some do not understand what is happening or why and end up being very frustrated by the process.
- ▶ Victims are not always notified of arrests.
- ▶ Because V/WAP often relies on victims to contact them for information, victims may not be receiving the information they need.

Around half of victims interviewed for the evaluation reported feeling well informed about the case against their accused. A sizeable minority felt somewhat informed, and a few felt not at all informed. Victims provided several examples of kinds of information they wished they had received: more information about what happens in court (what will happen at each court appearance, procedures explained, etc.); more contact with Crown and a better understanding of the Crown's view of the case; information on the accused (where he or she currently is, his or her history in the justice system); and a better explanation of decisions made by court.

An area in which victims appear to be less informed is their understanding of the DVC Program. While some victims recalled someone explaining the DVC Program to them, they were divided on whether they understood how the Program worked.

In general, victims had very positive reactions to the services they received from V/WAP. Almost all said that they did not have any difficulties using V/WAP services. Most victims said that V/WAP explained their role to them, told them that if they discussed new information about the incident, they might have to provide it to the police and the Crown, asked about their safety concerns and what bail or probation conditions they desired, and told them they would convey their comments and concerns to the Crown.

With only one exception, victims felt that V/WAP understood them and their situation and treated them fairly. Similarly, almost all expressed satisfaction with the services they received, although some victims provided suggestions about what V/WAP might have done differently. They gave a variety of suggestions, such as: provide more information on what is to occur on the court dates and how that might involve the victim; serve as an advocate for victims with the Children's Aid Society; and tell victims about the accused's past as they might not seek a withdrawal of charges if they are fully informed.⁵⁴

4.1.3 Obtaining victim input

Stakeholders identified several stages in the process where victim input is solicited.

Release on bail and bail conditions. While bail court is not part of the DVC Program and V/WAP is not mandated to obtain victim input for bail, stakeholders noted that victim input can be obtained before the bail hearing. In particular, at the time of arrest, victim input may be obtained regarding the method and conditions of release, and this information is sometimes incorporated into the Show Cause Report, which is included in the Crown brief. Victim concerns with safety are also included in the Domestic Violence Supplementary Report (DVSR), which is part of the Crown brief (see Section 4.2.2 for further discussion of the DVSR). In addition, V/WAP offices in the six focus sites all make some effort to reach victims and obtain input on bail release and conditions. V/WAP staff and other stakeholders noted that this can be difficult due to how quickly bail hearings occur following arrest. In one site, resource constraints mean that staff only attempt to obtain input at the bail stage from the victims in high-risk cases. Some stakeholders questioned whether victim input is considered appropriately at this stage as designated domestic violence Crown do not necessarily handle bail and other Crown (which may be per diem Crown) do not understand domestic violence issues sufficiently.

Bail variations. All six focus sites reported that victim input for bail variations is always sought. Some sites have a protocol that requires Crown to contact victims directly for input on bail variations.

⁵⁴ Discussing the history of the accused and serving as an advocate for victims with the Children's Aid Society are outside current V/WAP policy. Also, due to legal considerations, justice personnel usually cannot advise the victim of the accused's history.

During prosecution. Stakeholders noted that victims can provide input at any time during the prosecution of the case. Many of the V/WAP offices in the focus sites noted that they try to have at least one in-person meeting with victims; however transportation and scheduling issues do not always make that possible. According to Crowns, V/WAP makes it much easier for them to obtain victim input because V/WAP workers have direct access to victims and because it is one of their primary roles. V/WAP workers often provide victim input to Crown through memoranda, although they also may provide input more informally due to time constraints (verbally, e-mail, etc.). V/WAP workers will also arrange meetings between the victims and Crown. Sites noted that Crowns will try to obtain victim input on decisions such as entry into EIP, plea agreements, and sentencing.

Sentencing. Victims can provide input through victim impact statements, which are discussed in more detail later in this section.

Throughout the PAR program. Through the PAR program's partner contact component, victims can provide information and input on the offender's behaviour. Facilitators are informed of what the victim says and can use this information in the group sessions as long as victim confidentiality is protected. This is discussed in more detail in Section 4.2.2.

This section (as well as other sections in the report, noted above) will consider many of these avenues for obtaining victim input.

Crown interviews with victims

Generally, there is not an expectation that Crowns interview victims unless the case goes to trial, except in bail safety sites, upon victim request, or in other special circumstances. Because of the dynamics of domestic violence cases, Crown policy recommends that Crowns meet initially with victims shortly after charges are laid. In general, Crowns are expected to obtain victim input and/or victim impact information either through V/WAP or other means on case resolutions and other important decisions related to the case. While Crowns can obtain victim input through interviews with victims, in cases that go to trial, Crowns primarily interview victims to prepare them for trial. On cases where there is to be a guilty plea, Crowns often rely on V/WAP to obtain victim input, as discussed later in this section.

In DOVES, out of the total sample of 12,160 cases, 16% (n=1,936) went to trial. As shown in Table 26, the Crown interviewed over half (56%) of victims in cases that went to trial.⁵⁵ This is an increase over the 41% of victims when all cases are considered. Please note that in about one-fifth of cases (22% for all cases and 18% for trial cases), Crown did not provide the reason for not interviewing the victim.

⁵⁵ The DOVES Interpretation Guide defines a victim interview as "any victim meeting with a Crown whether in preparation for trial, input on a plea or a general information meeting." DOVES does not record when the interview occurred (e.g., week before or day of trial) or whether the victim was interviewed more than once.

Table 26: Interviews with victims across the province				
	All cases (N=12,160)		Trial cases (N=1,936)	
	n	%	n	%
Victim interviewed	5,002	41%	1,086	56%
Victim declined interview	1,419	12%	216	11%
Interview not required	94	8%	2	<1%
Victim whereabouts unknown	748	6%	147	8%
Input through V/WAP	498	4%	14	1%
Plead guilty/quick plea	352	3%	--	--
Victim didn't appear	237	2%	31	2%
Victim could not attend in person	196	2%	15	1%
Interview not requested	222	2%	26	1%
Dual charges	159	1%	5	<1%
Victim did not respond/unable to reach	122	1%	12	1%
By phone only	77	1%	2	<1%
Other reason for no interview	529	4%	43	2%
Other reason - unspecified	2,625	22%	343	18%
Source: DOVES				
Note: More than one reason could be provided. Columns sum to more than 100%.				

When compared across regions, the results for interviews in trial cases varied from 48% in the Central-West region to 83% in the North region and for all cases from 36% in Toronto to 49% in the Central region. See Table 27 for complete results.

Table 27: Victim interviewed in person by Crown by region										
Region	All cases (N=12,160)					Trial cases (N=1,936)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Province	12,160	5,002	41%	7,158	59%	1,936	1,086	56%	850	44%
East	2,676	1,078	40%	1,598	60%	509	272	53%	237	47%
Central	1,453	708	49%	745	51%	206	155	75%	51	25%
Central-West	2,856	1,241	43%	1,615	57%	367	177	48%	190	52%
Toronto	989	352	36%	637	64%	230	120	52%	110	48%
North	777	314	40%	463	60%	78	65	83%	13	17%
West	3,409	1,309	38%	2,100	62%	546	297	54%	249	46%
Source: DOVES										

As shown in Table 28, the proportion of Crown interviews with victims when considering trial cases and all cases increased over each fiscal period. In the most recent (partial) fiscal year, 61% of victims in cases that went to trial were interviewed by Crown and 45% of victims in all cases.

Table 28: Victim interviewed in person by Crown by fiscal period										
Fiscal period*	All cases (N=12,160)					Trial cases (N=1,936)				
	N	Yes		No		N	Yes		No	
		n	%	n	%		n	%	n	%
Apr 2005 - Dec 2005	6,710	3,015	45%	3,695	55%	928	568	61%	360	39%
Apr 2004 - Mar 2005	4,949	1,818	37%	3,131	63%	923	477	52%	446	48%
Mar 2004 and prior	501	169	34%	332	66%	85	41	48%	44	52%
Source: DOVES										
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).										

While the above discussion considers whether any Crown interviewed the victim in person, the following analyses the type of Crown conducting the interview. In all DVC jurisdictions, there are designated domestic violence (DV) Crowns and non-DV Crowns. A DV Crown is assigned to do domestic violence work (the operation of the designation will be discussed in more detail in Section 4.3.2) and in large sites is assigned to a DV team. A non-DV Crown is any Crown who is not currently designated a DV Crown and is not currently assigned to a DV Crown team. In all Crown offices, Crowns can rotate in and out of having the DV designation and serving on DV teams. In general, all Crowns have received training in DV cases (training will be discussed in more detail in Section 4.1.6).⁵⁶

In terms of the type of Crown (DV or non-DV) who conducted the interviews, Table 29 presents the following findings:

- ▶ In cases that went to trial, a DV Crown conducted the interviews in 67% of the cases (see Table 29). This varied from 98% in the North region to 48% in the Central region.
- ▶ For all cases, about three-quarters (73%) of victims who were interviewed were interviewed by a DV Crown. The percentage of victims interviewed by a DV Crown varied by region: from a high of 97% of victims in Toronto to 49% in the Central region.
- ▶ In all but one of the six regions (Central), a larger proportion of victims were interviewed by a DV Crown than were interviewed by a non-DV Crown.

Table 29: Victim interviewed by interviewer type

Region	All cases (N=5,002)					Trial cases (N=1,086)				
	N	DV Crown		Non-DV Crown		N	DV Crown		Non-DV Crown	
		n	%	n	%		n	%	n	%
Province	5,002	3,666	73%	1,336	27%	1,086	728	67%	358	33%
East	1,078	826	77%	252	23%	272	211	78%	61	22%
Central	708	344	49%	364	51%	155	75	48%	80	52%
Central-West	1,241	1,017	82%	224	18%	177	107	60%	70	40%
Toronto	352	340	97%	12	3%	120	114	95%	6	5%
North	314	297	95%	17	5%	65	64	98%	1	2%
West	1,309	842	64%	467	36%	297	157	53%	140	47%

Source: DOVES

Base: Cases where the victim was interviewed by the Crown

The proportion of victims interviewed by a DV Crown has increased over fiscal periods. As shown in Table 30:

- ▶ In the most recent time period (April to December 2005), almost three-quarters (72%) of interviews in trial cases were conducted by DV Crown compared to 61% in the prior fiscal year of 2004-05.
- ▶ For all cases, the proportion of victims interviewed by DV Crown rose from 66% of victims in fiscal year 2004-05 to 79% in April to December 2005.

Table 30: Victim interviewed by interviewer type by fiscal period

Fiscal period*	All cases (N=5,002)					Trial cases (N=1,086)				
	N	DV Crown		Non-DV Crown		N	DV Crown		Non-DV Crown	
		n	%	n	%		n	%	n	%
Apr 2005 - Dec 2005	3,015	2,374	79%	641	21%	568	408	72%	160	28%
Apr 2004 - Mar 2005	1,818	1,193	66%	625	34%	477	293	61%	184	39%
Mar 2004 and prior	169	99	59%	70	41%	41	27	66%	14	34%

Source: DOVES

Base: Cases where the victim was interviewed by the Crown

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

In all sites, some provision is made for victims to meet with the Crown if they desire. In some sites, V/WAP is actively involved in scheduling these meetings. In other sites, certain days are set aside for Crown interviews with victims; V/WAP ensures that victims are aware of these scheduled days and will coordinate with the Crown to schedule the meetings.

Overall, the Crowns interviewed for the evaluation were divided on whether they always meet with victims before the day of trial. Some reported that they always do so unless the victim is unwilling, others said that they will try to meet with victims in complicated cases before the day of trial but in less challenging cases may meet with victims on the trial day only, and a few prefer not to meet with victims and rely on V/WAP to prepare victims for trial.

Most Crowns reported that they do not routinely interview all domestic violence victims where charges are laid (as distinguished from all victims where there will be a trial) due to the lack of time and/or a concern with inadvertently becoming a witness in the case should the victim provide new or different information.

Continuity in Crown

As part of improving prosecutions, Crown prosecutors are to work toward maintaining continuity of counsel throughout a case. One aspect of continuity is measured in DOVES, which is whether the trial is conducted by the same Crown who did the victim interview. This section presents the findings from the DOVES data.

For cases that went to trial and the victim was interviewed, 72% were prosecuted by the same Crown who interviewed the victim. Please note that DOVES does not record when the interview occurred (e.g., week before trial or day of trial). As shown in Table 31, almost all cases in the North, Toronto, and Central-West regions were prosecuted by the same Crown who interviewed the victim.

Table 31: Trial conducted by same Crown* who did victim interview (N=873)					
Region	N	Interview and trial conducted by			
		Same Crown		Different Crown	
		n	%	n	%
Province	873	629	72%	244	28%
East	161	88	55%	73	45%
Central	149	124	83%	25	17%
Central-West	160	142	89%	18	11%
Toronto	75	69	92%	6	8%
North	57	53	93%	4	7%
West	271	153	56%	118	44%
Source: DOVES					
Base: Cases where accused went to trial and victim interviewed					
* Crown refers to DV and non-DV Crowns.					

As shown in Table 32, the proportion of trial cases that were prosecuted by the same Crown who interviewed the victim consistently rose over fiscal periods, although the change was slight between fiscal year 2004-05 and April to December 2005 (72% to 73%).

Table 32: Trial conducted by same Crown* who did victim interview by fiscal period (N=873)					
Fiscal period**	N	Interview and trial conducted by			
		Same Crown		Different Crown	
		n	%	n	%
Apr 2005 - Dec 2005	509	370	73%	139	27%
Apr 2004 - Mar 2005	346	249	72%	97	28%
Mar 2004 and prior	18	10	56%	8	44%
Source: DOVES					
Base: Cases where accused went to trial and victim interviewed					
* Crown refers to DV and non-DV Crowns.					
**Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

Victim input memoranda to Crown

Victims can provide input at any point in the process, including bail and bail conditions and leading up to the pre-trial, trial, and sentencing.⁵⁷ Typically, V/WAP collects this information and provides it to Crown in the form of memoranda, although they will also arrange interviews with the Crown. Please note that this section considers only victim input memoranda that were included in the files or mention of victim input memoranda in the VicTrack notes: informal provision of victim input may have existed but is not measured here, and victim input memoranda are missing from some files as Crown briefs are not standardized and may have contained victim input at some point even if it is not found in the files reviewed. Therefore, these results likely underestimate the number of victim input memoranda provided to Crown and do not include all forms of victim input that Crown would likely receive from V/WAP.

Please note that no memoranda were found in a sizeable percentage of DVC and pre-DVC files, which, as noted above, does not necessarily mean that victim input was not given in these files. Also, due to the high percentage of files for which the number of victim input memoranda could not be determined in pre-DVC files, Table 33 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of pre-DVC files with no victim input memoranda is between 46-59%).

Table 33: Number of victim input memoranda in files						
	DVC cases			Pre-DVC cases		
	All cases (N=601)		With info (N=585)	All cases (N=139)		With info (N=108)
	n	%	%	n	%	%
None	245	41%	42%	64	46%	59%
1	249	41%	43%	34	25%	31%
2	71	12%	12%	10	7%	9%
3	17	3%	3%	--	--	--
4	2	<1%	<1%	--	--	--
5	1	<1%	<1%	--	--	--
Can't determine	16	3%	--	31	22%	--
Source: File review						
Note: Columns may not sum to 100% due to rounding.						
Caution: Presentation of frequencies with missing data removed assumes random distribution of missing data.						

⁵⁷ While bail court is outside of the DVC process, V/WAP in many sites will attempt to gather victim input for bail in at least some cases, and they will provide input on bail that is offered by victims to the Crown.

In terms of the types of information presented in the memoranda, the percentage of files with memoranda providing victim input on conditions for bail or probation or conveying information on victim impact statements (e.g., to alert the Crown that the victim planned to prepare an impact statement, or the memorandum was used as a cover sheet for the victim impact statement) had the most increase when comparing DVC and pre-DVC cases.

Please note that due to the high percentage of files for which the substance of victim input memoranda could not be determined in pre-DVC files, Table 34 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of pre-DVC files with victim input memoranda on conditions for probation is between 13 and 16%).

Table 34: Victim input memoranda						
	DVC cases			Pre-DVC cases		
	All cases (N=601)		With info (N=599)	All cases (N=139)		With info (N=110)
	n	%	%	n	%	%
Conditions for probation	163	27%	27%	18	13%	16%
Bail hearing	81	14%	14%	9	7%	8%
Victim impact statements	63	11%	11%	4	3%	4%
Information/recommendations on sentencing	56	9%	9%	10	7%	9%
Withdrawal request	45	8%	8%	9	7%	8%
Variation on communication order specifically	31	5%	5%	1	1%	1%
Variation on bail/release conditions	28	5%	5%	2	1%	2%
Request for accused to receive medical/psychological help	16	3%	3%	1	1%	1%
Victim failure to appear/no contact with victim	14	2%	2%	1	1%	1%
Breach/possible breach	6	1%	1%	--	--	--
Desire for/information on about peace bond	4	1%	1%	2	1%	2%
Request meeting with Crown	1	<1%	<1%	3	2%	3%
Other	5	1%	1%	3	2%	3%
No memoranda found in file	245	41%	41%	64	46%	58%
Can't determine	2	<1%	<1%	29	21%	--
Source: File review						
Note: Memoranda could address multiple issues. Therefore, columns do not sum to 100%.						
Caution: Presentation of frequencies with missing data removed assumes random distribution of missing data.						

Input into guilty pleas⁵⁸

Another area where victim input is obtained is for guilty pleas. The results from DOVES show that two-thirds (66%) of victims provided input when the accused pleaded guilty. This was consistent across regions (see Table 35).

Table 35: Victim input for guilty pleas (N=7,349)					
Region	N	Victim provides input			
		Yes		No	
		n	%	n	%
Province	7,349	4,833	66%	2,516	34%
East	1,639	1,056	64%	583	36%
Central	877	626	71%	251	29%
Central-West	1,579	988	63%	591	37%
Toronto	598	359	60%	239	40%
North	557	370	66%	187	34%
West	2,099	1,434	68%	665	32%
Source: DOVES					
Base: Cases where accused pleaded guilty					

The proportion of victims who provided input for guilty pleas rose over each fiscal period. As shown in Table 36, although the rise was small from March 2004 and prior to 2004-05, the increase to 73% in April to December 2005 was considerable.

Table 36: Victim input for guilty pleas by fiscal period (N=7,349)					
Fiscal period*	N	Victim provides input			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	4,243	3,106	73%	1,137	27%
Apr 2004 - Mar 2005	2,841	1,584	56%	1,257	44%
Mar 2004 and prior	265	143	54%	122	46%
Source: DOVES					
Base: Cases where accused pleaded guilty					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

⁵⁸ In this section, guilty plea refers to response to question "Did the accused plead guilty?" located in the Crown section of the DOVES database. See Section 3.8.1 for explanation.

As shown in Table 37, in 60% of cases, Crowns received victim input on guilty pleas from V/WAP, and in 36% of cases, they received input from the victim directly. Other sources of input were indicated in few cases. The Crown received victim input on guilty pleas most often through V/WAP in all regions, with the exception of the Central-West region, where in 50% of cases, they received input directly from the victim.

Table 37: Source of victim input on guilty pleas (N=4,833)							
Region	N	Input received through					
		V/WAP		Victim directly		Other sources	
		n	%	n	%	n	%
Province	4,833	2,899	60%	1,757	36%	177	4%
East	1,056	625	59%	406	38%	25	2%
Central	626	330	53%	249	40%	47	8%
Central-West	988	458	46%	492	50%	38	4%
Toronto	359	244	68%	103	29%	12	3%
North	370	261	71%	88	24%	21	6%
West	1,434	981	68%	419	29%	34	2%
Source: DOVES							
Base: Cases where victim provided input when accused pleaded guilty							
Note: Rows may not sum to 100% due to rounding.							

Over time, V/WAP has increasingly become the source for victim input on guilty pleas, rather than direct Crown-victim contact. As shown in Table 38, the proportion of cases in which V/WAP supplied victim input to the Crown increased, while the proportion of input received directly from the victim consistently decreased.

Table 38: Victims who provide input for guilty plea by source of input by fiscal period (N=4,833)							
Fiscal period*	N	Input received through					
		V/WAP		Victim directly		Other sources	
		n	%	n	%	n	%
Apr 2005 - Dec 2005	3,106	1,885	61%	1,096	35%	125	4%
Apr 2004 - Mar 2005	1,584	938	59%	597	38%	49	3%
Mar 2004 and prior	143	76	53%	64	45%	3	2%
Source: DOVES							
Base: Cases where victim provided input when accused pleaded guilty							
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).							

Victim impact statements

According to stakeholders, V/WAP (at minimum) and sometimes police and Crown may ensure that victims are aware of their right to complete a victim impact statement. V/WAP will also assist victims with completing their statement. In the files reviewed for this evaluation, 9% of DVC files and 6% of pre-DVC files contained victim impact statements. Given that some sites cull files of materials, particularly prosecution-related materials (as files are maintained/stored by police) and/or copies of victim impact statements might not be retained in the files if the statement was submitted into evidence, this likely under-represents the number of victim impact statements prepared by victims.

Barriers to obtaining victim input

Stakeholders identified several barriers to obtaining victim input.

Lack of accurate contact information. The most common barrier mentioned was not having accurate contact information. Several stakeholders noted that domestic violence victims may change residence to either a friend or family members' house or to a shelter. V/WAP may have difficulties contacting the victim if the police do not collect sufficient contact information. Some stakeholders noted that at the time of the incident, police officers may only ask victims for their address and phone number without also inquiring if that is where they can be reached in the next few weeks. According to stakeholders, police should also ask for the victim's work number and cellular telephone number. Other stakeholders noted that confidentiality issues also prevent stakeholders from sharing contact information, which can cause victims to miss opportunities to provide input, particularly if the request for input is time-sensitive due to upcoming court proceedings.

Reluctance to engage with the system. According to stakeholders, another major barrier is that victims may be reluctant to provide information to V/WAP, police, or the Crown for a variety of reasons: fear of the perpetrator and/or his friends and family; mistrust of the system; and a perception that the system is insensitive to victims' feelings.

Rules of disclosure and the victim impact statement. Stakeholders cautioned that receiving victim impact statements too early in the process creates difficulties due to disclosure rules (having to provide the statement to defence counsel) and that for this reason, stakeholders sometimes counsel victims to provide the statements closer to final disposition. Difficulties may arise if there is a sudden plea agreement, if the accused pleads guilty unexpectedly, or if sentencing occurs immediately upon a finding of guilt. In these circumstances, victims may not be reached in time to provide victim impact statements, and some stakeholders commented that judges are not always willing to allow for an adjournment to obtain a victim impact statement.

Language barriers. The larger sites cited language barriers, noting that they make communication with victims challenging. While interpreters are available, coordinating a time that suits all parties involved can become difficult and delay receiving input.

Cultural barriers. Some stakeholders identified cultural barriers to receiving victim input. In particular, these stakeholders pointed to the Aboriginal population or certain cultural communities that may discourage victims from seeking assistance outside of the family or their community. For the Aboriginal population, stakeholders believe that there is a distrust of the system because it does not have a cultural component and instead is perceived as having a focus on splitting families apart when Aboriginal values emphasize healing and bringing families together. According to these stakeholders, Aboriginal people see domestic violence as an effect of colonization and its aftermath, such as residential schools and other forms of racism. This means that Aboriginal people have a very real concern about interacting with a criminal justice system that comes out of Canada's English heritage.

Other barriers. Fewer stakeholders mentioned the following barriers: difficulties coordinating meetings with the Crown and victims due to schedules or lack of transportation for victims; lack of sufficient staff to ensure that victim input is obtained at all stages in the process; and Crowns overlooking victim input memoranda supplied by V/WAP.

Victims' perceptions

Victims were asked some questions about victim input, particularly concerning their perceptions of their interactions with the Crown. Over half of victims interviewed had contact with the Crown. Of those victims, about half reported having contact with the Crown within about three months of the offence. Typically, they had one or two telephone conversations or in-person meetings with the Crown. Most reported that someone else attended the in-person meetings with them, such as police or V/WAP staff, although a few had a family friend accompany them. While some of the victims who did not have direct contact with the Crown reported that they provided all their input through V/WAP instead, a sizeable minority of victims said either that they wanted to speak to the Crown but were not able to or that they did not know that they could speak to the Crown.

About half of victims think their views were considered in how the case was handled. Those who believe their views were considered usually commented that they were consulted on plea agreements and disposition of the case. Those who do not believe their views were considered usually said they wanted charges dropped, were dissatisfied with the result, or felt that the system seemed unsympathetic to their concerns.

While most victims reported having some contact with the Crown, a sizeable minority did not have any contact. Of those victims who had contact with the Crown, most reported that they felt fairly treated. A sizeable minority believe that they were not treated fairly or had a mixed opinion of the Crown. Almost half of victims thought the Crown should have done something differently. Specifically, they wanted more contact with and/or information from the Crown or they wanted the Crown to respect their wishes more (better understand victim's situation, limit delays, evaluate case better, seek more severe sentence, take case to trial).

In general, victims who expressed dissatisfaction with the case outcome were more likely than those who were pleased with the outcome to think that the Crown treated them unfairly, that the Crown should have handled the case differently, and that their views were not considered.

4.1.4 Language services

Language interpreter services. Most of the sites reported having few requests for language interpreters. This was supported by the file review results; about 5% of the DVC files reviewed indicated that a language interpreter was required. Sites were aware of the interpreter services available to them and said that the contact information for the services was readily available. Please note that the court interpreters are a separate service from the language interpreter program that is part of the DVC.

Most sites said that when they do need interpreters, accessibility is not an issue. In the larger sites, interpreter services are used more and stakeholders were divided on the quality and accessibility of some of the services. Some noted that the services work well when one has the time to make an appointment, but when one needs service on short notice, as might be the case for police or SA/DV Treatment Centres, it is an issue. Others praised the services for their accessibility and willingness to come on short notice (within a few hours). In one of the larger sites, stakeholders commented on the variability in quality among the interpreter services.

Interpreter services as well as some criminal justice professionals at two of the larger sites said that interpreter services are not always requested when they should be. They commented that some justice professionals (for example, police, probation and Crown) use the assistance of colleagues to interpret. Some noted that this creates difficulties with victim statements because the victim cannot understand the interpreter and vice versa, which results in confused and sometimes contradictory statements. A lack of understanding of the importance of interpretation by a professional who is trained in the field, as well as frequent turnover of court and V/WAP staff, are some of the possible reasons offered for under-utilization of these services. In one site, language interpreters said that victims who are not proficient in English are not always accompanied by an interpreter in court.

Interpreter services have found that demand for their services has increased, but they credit much of that increase to requests from V/WAP. They believe that community-based organizations and shelters do not seek their services as often as they should. Commenting further on the increase in demand, some criminal justice and community stakeholders believe that there are not enough interpreters to meet the demand; however, others indicated that the number of interpreters is sufficient except for some of the less common languages (i.e., South Asian languages, Aboriginal languages, and some African dialects) and for sign language.

A small number of the victims interviewed said that they used a language interpreter. While most were satisfied with the services they received, one said that the court interpreter did not convey accurately what they were saying when they testified.

French-language services. Three of the sites are designated under the *French Language Services Act* (FLSA), which means that they are required to provide services in French of equivalent quality to services in English. Service providers are expected to make an active offering of services in French. Two of these sites reported having few requests for services in French, although one site has attempted to increase demands for services from francophones by conducting outreach activities to the francophone community. The third site is a francophone community. Of the three sites, two reported French capacity in all components of the DVC

Program. One site reported French capacity in all components, except for the PAR program, DV Crowns, and the court. However, that site has a designated bilingual Crown who can handle domestic violence cases in which French-language services are needed and also has the capacity to provide court services in French by bringing in a French-speaking judge from another court. French-language services in these three sites are listed in Table 39.

Table 39: French-language services

Site	Description
College Park	V/WAP has one bilingual worker, and the Domestic Violence Administrative Assistant is bilingual. One DV Crown is bilingual. Court services can be provided in French on demand, though most French language trials are sent to the Old City Hall courthouse. PAR has a French-language program. Police have some bilingual officers, although few are at the front-line level.
L'Orignal	L'Orignal is a francophone community and provides all services in French.
Sault Ste. Marie	V/WAP has a bilingual worker. The DV Crowns are not bilingual, but there is a designated bilingual Crown who can handle domestic violence cases in French when needed. On-site court services are not offered in French; however, when needed, a French-speaking judge is brought in from another court. No French-language PAR groups are offered. A few police officers are bilingual.

Among the victims interviewed, a sizeable minority indicated that their preferred official language is French. These victims were divided on whether they desired services in French. Some of those who did not desire French services said that service providers' level of French proficiency sometimes makes it easier to communicate in English. Most of those who preferred French reported receiving at least one of the following services in French: V/WAP, Crown, police, PAR program, and court services. Service in French was offered to all of the victims who desired it; none reported having to request the use of French. As well, no victims reported wanting but not receiving any services in French. Most of these victims who received services in French were satisfied with the services. They felt that the people in the criminal justice system understood and accepted their right to receive services in French.

4.1.5 Sexual Assault/Domestic Violence Treatment Centres

SA/DV Treatment Centres offer a variety of services, including documentation and photographing of injuries, safety planning, risk assessment, rape kits, emotional support, crisis counselling, and referrals to other services. Five of the six focus sites have SA/DV Treatment Centres. The site without a SA/DV Treatment Centre has initiated discussions with regional hospital authorities in the hope of making these services available in the future. Currently, if these services are required, police will accompany victims to a hospital approximately one hour away. Stakeholders highlighted a number of problems with this current approach. First, police are not trained to provide emotional support to victims of domestic violence, and because of insufficient resources, a support worker is generally not available to accompany the victim to the Centre. Second, many victims may choose not to go to the Centre because of the long distance.

At the other five sites, stakeholders raised concerns about the SA/DV Treatment Centres being underutilized, particularly by police.⁵⁹ While police have usually received education about the SA/DV Treatment Centre's role or have a protocol in place about referring to the Centre, stakeholders believe that police officers do not routinely provide victims with information on the Centre or they provide information that is sufficient for victims to understand the services the Centre offers. Therefore, the Centre's services are underutilized and rarely used for documenting and photographing injuries. Several stakeholders attributed this to a lack of understanding, on the part of police, as to what constitutes an injury, what services the Centre offers, and how it can help an investigation. A few stakeholders also provided other explanations for underutilization of the SA/DV Treatment Centres: they are not easily accessible to all victims due to the distances victims must travel; some centres are not culturally sensitive (staff are not multi-cultural); and centres need to do more community outreach, including attending DVCAC meetings regularly as a way to develop close collaborative relationships with other stakeholders.

Even when referrals do occur, in many sites, stakeholders believe that referrals come too late – when injuries are no longer visible. This is important from an evidentiary perspective but also for developing an appropriate safety plan for the victim. Staff noted that they fear that evidence is being missed because police are not referring victims to them. They pointed out that SA/DV Centre staff are specifically trained to look for injuries that are common in domestic violence cases and victims may not have visible injuries at the time of the occurrence but may, in fact, be injured.

While nine victims reported receiving medical attention after the incident, only one had been referred to the local SA/DV Treatment Centre. That individual was satisfied with the services received.

4.1.6 Training

One method of improving services to victims and the response of the criminal justice system to domestic violence issues is through training. While possibilities for training vary across stakeholder groups and, to some extent, across regions, most stakeholders have access to various training opportunities on domestic violence issues and the DVC Program. The main advantages to training, as noted by stakeholders, include the opportunity to network, to identify important issues and best practices, to gain knowledge and awareness of domestic violence issues, and to increase consistency in practice among stakeholders. However, stakeholders said that a number of challenges and gaps in training still exist, and some offered suggestions for improvement.

Some training opportunities are open to a range of stakeholder groups, while others are more targeted. The MAG's annual conferences, for example, provide a forum for various stakeholders from across regions to assemble and share lessons learned in implementing the DVC Program. These conferences also provide general information on the criminal justice system and its response to domestic violence. In the past, there have been learning opportunities in the United States, such as a domestic violence conference offered by the Chadwick Centre in San Diego. In addition, community agencies in many sites offer community training sessions to V/WAP,

⁵⁹ SA/DV staff said that they receive most of their domestic violence referrals from hospital emergency departments, V/WAP, women's shelters, and rape crisis centres.

Crown, police and other stakeholders, where experts speak on topics such as identifying high-risk cases and using risk assessments tools. Finally, several stakeholders noted that an ongoing flow of information between stakeholders helps to ensure that everyone is kept apprised of any new procedures and practices related to the DVC Program.

Training elements that are specific to each stakeholder group as identified by stakeholders and representatives of the OVSS and CLD include:

- ▶ **Police.** Both the Ontario Police College and individual police services offer training on domestic violence to officers. The police recruit training and the supervisor training, offered by the Ontario Police College, include a domestic violence component, as do its "train the trainer" courses. A few stakeholders in a couple of sites noted that the Ontario Police College has offered domestic violence specific training in the past. Police services provide their officers with domestic violence investigator training, and some also provide training on the dynamics of domestic violence.
- ▶ **Crown.** Crown training is generally done through the Ontario Crown Attorneys' Association (OCAA) and the MAG. The OCAA offers an annual week-long domestic violence course as part of its "Crown summer school." This is mandatory for all new Crowns, and more experienced Crowns also can attend. Crowns attend annual spring and fall conferences, too, which cover domestic violence among other issues. As well, new Crowns participate in orientation training sessions that cover a number of issues including domestic violence. In 2003, all Crowns received bail training in relation to domestic violence. In addition, the OVSS holds an annual Crown training program on issues related to violence against women. All DVC co-leads as well as other Crowns can attend. Through the DV co-leads' e-mail distribution list, up-to-date information regarding domestic violence issues and case law is provided to DV Crowns, and the Crown intranet provides a Domestic Violence Trial Book and other materials for domestic violence prosecutions and training. The Domestic Violence Trial Book is also provided in hard copy to all offices.
- ▶ **V/WAP.** According to stakeholders in several sites, limited formal training is available to V/WAP workers. Generally, they are required to have obtained training in domestic violence issues prior to being employed by V/WAP and are subsequently trained through shadowing of more experienced staff. A staff training budget is available to each site for staff training in specific areas as identified by the V/WAP manager and staff person. In addition, V/WAP offices in several sites hold in-service training sessions and/or lunch 'n learn sessions on a regular basis. V/WAP co-leads and other V/WAP managers are also invited to the annual training on issues related to violence against women that the OVSS offers to Crowns.
- ▶ **PAR.** According to stakeholders in most sites, few PAR-specific training opportunities are available, though PAR facilitators can attend MAG and OVSS conferences. There are also opportunities for training in the US, which focus on new approaches to domestic violence. In some sites, PAR agencies offer in-house training to their facilitators and staff, and PAR facilitators meet amongst themselves to discuss processes and best practices.

- ▶ **Probation and parole.** Basic training for probation officers, offered by the Ministry of Community Safety and Correctional Services (MCSCS), includes a domestic violence component. Other courses that cover domestic violence issues are available to probation officers through the ministry, though these are not mandatory.
- ▶ **SA/DV.** According to stakeholders in most sites, the International Association of Forensic Nurses and the Ontario network of SA/DV Care Centres offer conferences and workshops to staff at SA/DV Centres. In addition, a small number of sites indicated that community organizations have offered training sessions on the use of the ODARA tool for risk assessment. Finally, staff training provided by the SA/DV Centres includes a domestic violence component.
- ▶ **Interpreters.** Interpreters' training sessions generally include a domestic violence module. In some sites, community organizations offer training in domestic violence and woman abuse issues that is specifically targeted to interpreters. In addition, orientation sessions on the DVC Program are available in a few sites.
- ▶ **Court services staff.** Generally, stakeholders indicated that there is no formal training in domestic violence issues or on the DVC Program for court services staff.
- ▶ **DVC Co-leads.** Each jurisdiction with a DVC has a Crown and V/WAP co-lead. Three conferences for DV co-leads have been held to provide a forum to strengthen skills and address issues in the implementation of the DVCs. The last one was held in 2003.

Overall, stakeholders indicated that training opportunities are beneficial and useful to them in their work. Training is considered important because it ensures that all stakeholders are aware of the issues, of their responsibilities, and of the various policies and procedures in place. Effective training on domestic violence and the DVC Program increases consistency in the response and ensures a more appropriate response that considers the dynamics of domestic violence. Conferences, workshops, and sessions that bring together individuals from across stakeholder groups are seen as valuable because they provide the opportunity for stakeholders to share experiences, best practices, and lessons learned.

Nonetheless, according to stakeholders, several gaps and challenges still exist. They identified the following:

- ▶ Formal training on domestic violence issues for some stakeholders (primarily the police, V/WAP, PAR staff, probation and parole) is generally not offered on a regular basis. Ongoing training is essential to ensure that new staff is properly trained and old staff is reminded of the issues and of any policies, practices, and procedures related to domestic violence and the DVC Program.
- ▶ A few Crowns noted that annual Ministry conferences are generally repetitive and therefore offer limited learning opportunities.

- ▶ Generally, conferences, sessions, workshops, and other training opportunities are limited in space, and only a few stakeholders within a particular group can attend. In addition, agencies and various justice services typically lack the resources (financial and staffing) to send front-line workers and other staff to these types of training activities.
- ▶ Crown stakeholders perceive a lack of advanced training for DV Crowns, beyond Crown summer school and general domestic violence conferences.
- ▶ PAR facilitators and staff need more training on the DVC Program, the justice system, and how they are to operate within the process. Stakeholders also identified a need for further domestic violence specific training for other stakeholder groups within the system, particularly 911 operators and the judiciary. With respect to the judiciary, the researchers had no direct information from judges about training that they have received regarding domestic violence issues. Other stakeholders believed that more domestic violence training would be beneficial. A few stakeholders suggested implementing a domestic violence component in law school curricula as a way to educate lawyers, some of whom will become judges, about the dynamics of domestic violence.
- ▶ Training activities lack visibility, leading to many missed opportunities.
- ▶ Many V/WAP managers carry a caseload, in addition to being responsible for the overall management of the office. As such, the nature of their work differs from that of other managers. V/WAP stakeholders desire more opportunities that would allow V/WAP managers from across the province to meet and discuss the issues that are unique to them.
- ▶ Finally, there is a need for more local training initiatives, rather than the mostly regional training opportunities that are currently available. Stakeholders noted that, in addition to not always being relevant to their particular jurisdiction, attending regional training opportunities requires them to be absent from work, causing strain on other staff.

4.1.7 Use of services

Accessibility issues

Stakeholders identified many issues with accessibility. The main ones are described below.

Transportation and geography. Stakeholders in all six sites identified geography and transportation as an issue. All but one site considered the territory they serve to be vast, and even with satellite courts, services are still limited in the more remote areas. For example, not all satellite courts have V/WAP workers on site, which means that accessibility to services for victims in those communities is limited. As to transportation issues more specifically, rural jurisdictions noted that accessing services often requires use of a car, which clients (victims and the accused/offender) may not have available to them. In urban jurisdictions, stakeholders pointed out that most agencies are located downtown. Reaching these agencies may require the use of public transit, and clients may not have enough money for the fare. Most sites try to assist by organizing carpools or volunteer drives, offering to pay for a taxi, or providing tokens for public transportation. At some sites, V/WAP staff mentioned that they will try to travel to the



victims on some occasions. Staff acknowledged that although these efforts are necessary, they draw on already limited human resources. Stakeholders also pointed out that persons with disabilities experience transportation barriers more acutely because, while public transit offers transportation services for persons with physical disabilities, these services are unreliable, which is particularly problematic when a person is expected for a court appearance.

Language and/or cultural barriers. Stakeholders in four sites considered language and/or cultural barriers to be an issue, although stakeholder opinion was divided. Several stakeholders noted the efforts made to bridge cultural and language barriers, such as the use of cultural or language interpreters and training for justice partners on cultural sensitivity. However, some stakeholders maintained that the criminal justice system needs to work harder to respond in a way that reaches out to and encourages people of other cultures and languages to use the system and its services. As an example of language barriers, V/WAP staff noted that it is sometimes difficult to tell from the Crown brief that English is not the victim's first language. As a result, stakeholders believe that some victims might not understand the initial letter sent by V/WAP. These victims might not be comfortable calling V/WAP or another service agency because they are not aware that they can have access to interpreter services.

According to several stakeholders who work with cultural communities, current services are offered from an English Canadian perspective, which creates barriers in terms of understanding and lack of trust. As an example, these stakeholders worried that the criminal justice system does not consider how information prepared for victims is received by members of diverse communities. Stakeholders also noted that some of these communities are generally not comfortable with the police, which means that victims from these communities may not contact authorities in domestic violence incidents. While many justice stakeholders acknowledged the existence of cultural barriers, they also expressed concern about how to balance cultural sensitivity with the need to pursue domestic violence prosecutions, particularly in cases where a victim is receiving pressure from her family or community to recant or refuse to testify.

Suggestions for improving services to cultural communities included providing more cultural training for criminal justice professionals to help them gain a better understanding of diverse cultural beliefs and attitudes toward marriage and domestic violence; conducting more outreach to these communities; providing more opportunities for cultural communities to do counselling for their members; providing information in more languages with content appropriate to different cultural communities; and offering more language and culturally specific programs, particularly for the PAR program (see also Section 4.3.5 for a discussion of the PAR program).

Services for Aboriginal peoples. Stakeholders who work with Aboriginal communities believe that current services do not address the cultural differences of Aboriginal, Métis, and Inuit people. These stakeholders believe that victims see the current DVC Program (in particular V/WAP, Crown, and the PAR program) as middle-class and white, which causes victims to worry about being judged and to have a general mistrust of staff. In particular, two smaller sites have nearby First Nation reserves, and stakeholders commented that they see few domestic violence cases from members of these communities, which may indicate cultural barriers to accessing services. One of these sites has taken steps to address this concern: they have Native court workers, Aboriginal police and a shelter on reserve that are both represented on the DVCAC, and a relationship between V/WAP and the shelter. The other site is currently making

efforts to recruit Aboriginal representation for the DVCAC but otherwise has little connection to the nearby reserves. In both sites, the Aboriginal population lives largely on reserve and has to travel substantial distances to access the DVC Program services that are primarily offered in the city where the DVC is situated. Because many members of the reserve do not have ready access to vehicles, this creates a substantial barrier. In one of the larger sites, stakeholders who work with the Aboriginal population commented that V/WAP has little presence in the Aboriginal community, in part because the perception is that V/WAP's role is to assist the prosecution and the victim may be more interested in reuniting the family.

Suggestions for improving services to Aboriginal populations included providing more training for criminal justice professionals to help them gain a better understanding of Aboriginal culture and beliefs; making greater efforts to hire staff who reflect the cultural diversity of the area, such as Aboriginal V/WAP or PAR facilitators in locations with nearby reserves or that have a sizeable Aboriginal population; conducting more outreach to Aboriginal communities; incorporating an Aboriginal component in current services, such as a healing circle or sweat lodge; and offering Aboriginal programs, particularly for the PAR program (see also Section 4.3.5 for a discussion of the PAR program).

Physical and mental disabilities. All sites consider their main courthouse to be accessible to persons with physical disabilities; however, some stakeholders acknowledged that the facilities are inappropriate, such as ramps that are located at the most distant and least-used entrance, elevators that are positioned far from the door or near the area where the accused and his or her family are likely to be waiting for court, and small waiting room spaces that make manoeuvring in a wheelchair difficult. Stakeholders said that some satellite courts are not wheelchair accessible. Stakeholders in a larger site mentioned that there is only one shelter in the city for women with physical disabilities. In addition, several community agencies that provide counselling and other types of services to victims of domestic violence do not have sufficient resources to provide attendant care services.

Four sites listed mental health issues for offenders and victims as an area in which the system could do more. While mental health workers collaborate with Crown to determine an accused person's capacity to participate in the regular court process, Crown's mandate is to prosecute and often resist diversion. According to some stakeholders, this leads to difficulties down the line. Counselling that is ordered, particularly PAR, is generally less effective. For example, PAR is not equipped to address mental health issues, nor is it designed to assist individuals with special needs. For this reason, some stakeholders noted the need for better screening at the court and probation stage. When it comes to victims, stakeholders noted that there are few mental health supports as part of the DVC Program. Crowns and V/WAP workers will typically work with a victim's social worker or mental health worker. However, a small number of stakeholders noted that there continues to be a stigma around mental illness and that those with mental health issues are often not believed or heard by the system. These stakeholders believe that for these reasons, many victims with mental health issues do not come forward.

Stakeholders also noted that community organizations and criminal justice professionals have limited knowledge of shelters and other services that accommodate victims with developmental disabilities. In addition, individuals who work with people with developmental disabilities

generally have little knowledge and understanding of domestic violence issues or the available services.

Financial barriers. While most community services and V/WAP services are free of charge, many victims do not have the means to obtain proper child care to allow them to access victim services and most organizations do not offer child care on-site. In addition, a number of victims cannot afford to take time off work to access services that are mostly available during office hours.

Other reasons why some victims do not use available services

In addition to the accessibility issues addressed above, stakeholders offered several other reasons why victims do not use available services. Those that stakeholders mentioned most often are described below.

Lack of trust in system. A number of stakeholders indicated that victims can mistrust the system because of past experiences where they were not taken seriously by police or the courts, their views were not taken into account, or they were charged with assault when they were acting in self-defence. According to community stakeholders, many victims view services, whether community-based or not, as extensions of the system and for this reason believe they can better trust informal supports, such as family or friends. Community stakeholders who serve diverse populations believe that lack of trust in the system is particularly acute for Aboriginal people or ethnic groups because the DVC Program does not address cultural differences or have Aboriginal or other ethnically diverse staff who would help build a bridge to these communities.

Lack of knowledge of services. Stakeholders in several sites believe that some victims are simply not aware of the services that are available to them; in some cases, victims do not receive V/WAP's letter because they have moved, and although police may have provided information about victim services, victims may be too traumatized to process this information at the time of the incident. Some misunderstand the nature of the services and do not realize that they will be supported regardless of whether or not they decide to leave their abusive partners. Stakeholders also highlighted the lack of funding for public education of victim services. They indicated that many victims are not aware of what services the various agencies offer, nor are they aware that services are free.

Difficulties in breaking cycle of domestic violence. Some stakeholders also noted that a number of victims do not access services because they are caught in the cycle of violence. As a result, victims are in denial, feel powerless, or are fearful of what their abuser might do if they seek help. They may face pressure from the abuser, his or her family, and sometimes the community to remain in the relationship. In addition, stakeholders reported that many victims are ashamed of their situation and do not want to expose it to anyone.

Services do not meet victims' needs. According to stakeholders, some victims want distance from the offender and the incident, and therefore, they choose to remove themselves from the situation and turn to informal supports. Accessing formal services represents additional obligations and further pressures for victims, according to stakeholders. Because some victims are incapable of dealing with the criminal justice system's demands, in addition to managing

everyday life, they choose to turn away from formal services. Other victims hope the situation will improve and wish to reconcile with their partners. Some stakeholders highlighted that the focus of the DVC Program is to ensure vigorous prosecutions and that this may drive a number of victims away, particularly Aboriginal victims, whose culture promotes healing rather than an adversarial process like the criminal justice system. Victims may not want their abusers removed from the family setting for a variety of reasons that include financial, emotional, and cultural factors.

4.1.8 Gaps in services for victims

Please note that all of the accessibility issues addressed in Section 4.1.7 also identify gaps in services. Outside of those accessibility issues, there was little consensus among stakeholders regarding gaps in services for victims. The following is a list of the gaps identified by stakeholders during interviews. Most of these gaps are more systemic than gaps within the DVC Program itself.

Gaps in DVC Program

- ▶ V/WAP staff are over-extended with a large caseload, oversight over satellite offices and other administrative tasks, and responsibilities for outreach and promoting coordination of services. In one site, V/WAP is unable to meet with all victims before court and when they do, it is often only a few minutes before, and they cannot ensure follow-up with all victims.
- ▶ There is a need for a stronger relationship between Crown, police, and V/WAP at the bail stage, which could be provided through a bail safety project or by extending the DVC Program to bail court. Victims are not always receiving information about bail conditions or being consulted before bail. A more coordinated approach would benefit the victim.
- ▶ Victims in same-sex relationships and male victims are generally poorly served.
- ▶ The DVC Program lacks an Aboriginal component that recognizes the emphasis in Aboriginal communities on healing, bringing families together, and achieving resolution of conflict.

Systemic gaps

- ▶ Stakeholders identified several gaps involving counselling. Long-term counselling services for victims of domestic violence are limited as are couples counselling programs. In addition, current counselling programs are generally insufficient to meet the demand and wait lists are common.
- ▶ Lack of funding to community agencies contributes to insufficient services in a number of areas – counselling, shelters, crisis intervention.

- ▶ V/WAP and community stakeholders identified victim support around custody issues as a major gap. Currently, there are no connections or information sharing between the criminal and family processes, and some stakeholders said that this leaves victims, particularly women, in a vulnerable position. Because many victims cannot afford a lawyer to represent them in the family court system, offenders will often use this system to obtain custody of children, thereby furthering the abuse.
- ▶ Lack of secondary supports such as non-emergency housing, financial support, and child care. Some stakeholders believe that this represents a significant gap in service and that unless the criminal justice system addresses the needs of domestic violence victims holistically, it will not effectively deal with domestic violence. These stakeholders noted that issues outside the realm of the criminal justice system, for example financial issues, housing, and fear of losing one's children, are often pivotal in a victim's decision to cooperate with the prosecution. If the criminal justice system addresses these concerns, it is likely that fewer victims will seek a withdrawal of charges. A few stakeholders pointed out that victims often need an advocate to help them obtain the services that they need in these areas, but this type of assistance is outside V/WAP's mandate and community organizations cannot adequately address the need in this area.
- ▶ Victims of stalking and/or harassment and victims of verbal and emotional violence have few resources available to them because, generally, there is little recognition of this type of abuse.

Both system and within DVC Program

- ▶ Programs and services need funding to allow them to engage in more outreach to diverse populations that may not have easy access to culturally sensitive services.
- ▶ There is a need for more services for victims of diverse populations, such as immigrant groups, who do not always have access to culturally sensitive services or services in their language. While interpreters are available, the quality of the service is not the same through an interpreter, and it is highly time-consuming. In addition, a few stakeholders noted that interpreter services have not seen any infusion of funding and resources since the implementation of the DVC Program, which also limits access to these services.

4.2 Increasing victim safety and helping prevent re-victimization

The discussion of this objective considers several issues related to victim safety:

- ▶ general information on how the criminal justice system and the DVC Program address victim safety
- ▶ use of the DVSR risk indicator tool by police
- ▶ detention decisions and release conditions
- ▶ use of written revocable consent
- ▶ methods used to keep victims informed
- ▶ recidivism.

4.2.1 Victim safety issues generally

Stakeholders provided many variations on the definition of victim safety, but the essence is that victim safety involves ensuring that victims and their families are not harmed physically, emotionally, or mentally and feel safe in their environment. Preventing re-victimization through both primary supports provided by the criminal justice system in responding quickly to the situation and providing timely information to victims, as well as secondary supports, such as financial assistance, safe shelter, food, and emergency medical care, is seen as critical in ensuring victim safety. According to stakeholders, these supports help victims maintain their ability to assist with the prosecution and also support them in their personal situation, which may involve leaving the relationship with their partner, providing for minor children, having to stay away from their home or their job for safety considerations, or a variety of other complicating factors.

Stakeholders listed several ways in which the DVC Program, through its justice and community partners, addresses victim safety, and these essentially did not vary by site:

- ▶ **Information and education** on available services, the case against the accused including bail conditions, the offender's progress in the PAR program (if applicable), the criminal justice system, and the cycle of domestic violence. Stakeholders commented particularly on the early stage at which V/WAP becomes involved in providing victims with information.
- ▶ **Referrals** to appropriate services, although stakeholders expressed concern that some of the services referred to, particularly shelters and counselling services, do not have adequate funding to properly serve victims of domestic violence.
- ▶ **Risk assessments and/or threat assessments**, such as the DVSR to ensure that areas of risk are identified and that the system responds appropriately to the situation. Risk assessment tools are discussed in more detail in the next section.
- ▶ **Safety planning and providing a safe environment** through the police response and through access to shelters and other organizations that provide safety planning advice and assistance. Most sites noted that police offer initial safety planning and then V/WAP ensures that victims are made aware of available community services, including shelters, that do more detailed safety planning. Interestingly, stakeholders in most sites did not mention SA/DV Treatment Centres, which also provide safety planning.
- ▶ **Protecting the victim's confidentiality** by not disclosing information that might put the victim at risk.
- ▶ **Custody decisions and conditions of release** at bail or sentencing that are based on the assessed risk. The DVC Program considers victim safety at bail and sentencing by the decision on custodial arrangements (denying bail or sentencing to incarceration) and by conditions that are placed on the accused/offender. For example, non-association orders, orders that require the accused/offender to stay away from locations frequented by the victim (home, work, school, etc.), firearm prohibitions, abstention from drinking, counselling and/or non-association with victim, and similar conditions are all intended to

reduce the risk for the victim. However, many stakeholders noted that the victim is only as safe as the likelihood that the offender will comply with no contact orders in bail or in probation. In addition, some stakeholders expressed concerns that the conditions are not clearly stated or are not easily enforceable.

- ▶ **Support** throughout the criminal justice process offered by police victim services, V/WAP, the PAR program, and probation.
- ▶ **Responding to breaches of conditions** by laying charges, although many stakeholders expressed concern that conditions are not sufficiently monitored.
- ▶ **Coordination of services** to improve response to victims. According to several stakeholders, information sharing among justice and community partners is important in ensuring victim safety. The DVC Program has increased communication between criminal justice professionals and community partners, thereby improving the overall response to domestic violence. Adopting a more coordinated approach has allowed for improved sharing of information pertaining to victims' concerns and interests among the various stakeholders, in turn leading to bail and probation conditions that more accurately reflect safety issues. Protocols between agencies help protect victim safety by minimizing the extent to which victims must travel from one place to another.

When asked to suggest other actions necessary to improve victim safety, there was no consensus among stakeholders. Their suggestions included:

- ▶ more efforts to **increase awareness about available services and the cycle of domestic violence**; in particular, working with police to ensure that lists of available community resources are consistently provided to victims and increasing public education efforts that promote awareness of the issue of domestic violence and the services available to victims and explain why prosecuting domestic violence cases is important
- ▶ **more support for victims**, including emotional and financial support, so that victims can maintain the will to continue assisting the prosecution
- ▶ a **standard risk assessment tool** used by all stakeholders and consistent use of risk assessment tools in bail court to determine whether or not the accused should be released and the conditions of release
- ▶ **reassess safety plans** because the risks change as the matter advances through the criminal justice system
- ▶ **improve the response to the bail and probation stage** by more specific and understandable conditions, more vigilance in monitoring bail and probation conditions, and a greater emphasis on taking breaches seriously
- ▶ **reduce leniency** in response to domestic violence with fewer releases on bail and stricter sentencing, particularly for repeat offenders

- ▶ **improve the layout of courthouses** so that victims do not have to encounter the accused immediately before going into court
- ▶ **more training/education** for police officers, Justices of the Peace, judges, and probation officers on domestic violence issues to ensure that the system responds in an appropriate way that does not compromise victim safety
- ▶ **reduce delay** in the criminal justice process
- ▶ **more resources** for the DVC Program, such as more V/WAP staff, more DV Crowns, and more funding for community organizations that provide services such as housing, safety planning, and specialized services for victims of domestic violence
- ▶ **increase the use of and improve the effectiveness of the PAR program** by ordering attendance at PAR for all who are charged in connection with a domestic assault and reduce the number of PAR participants in each group as that would allow the program to have more impact on offenders
- ▶ **improve coordination**, particularly between the pre- and post-sentencing stages of the criminal justice system because victims are still at risk post-sentence, and address confidentiality issues that sometimes hinder attempts made by various stakeholders to increase victim safety (for example, shelters being unable to confirm to police or V/WAP if a victim is staying there, even if it is to provide the victim with information about the case).

The interviews with victims asked several questions around safety issues. In terms of the initial response, most of the victims interviewed said that the police removed the suspect and a sizeable minority said that the suspect was held in custody. Several victims reported that police talked to them about staying somewhere safe after the incident, and a few said the police told them to go to the hospital. Almost all said that the police informed them about what they were going to do with the accused (arrest and charge him or her). Around half of victims reported feeling safer after the police responded, but a sizeable minority did not. Those who felt safer gave several reasons: the accused was in custody; the situation was under control because police handled the immediate threat; and the police had taken the situation seriously and it would now be dealt with. Those victims who did not feel safer gave the following reasons: the accused had been released; they considered the police to not have taken any real action; and the accused knew how to locate them.

Around half of victims interviewed said that their safety was considered during the criminal justice process. Those who did believe that their safety was considered noted that the police, Crown, and/or V/WAP asked them about their safety concerns and assisted them in some way (e.g., safety planning, requested non-association orders or other conditions, ensured accused did not get released on bail, received alarm system, had security personnel accompany victim to court). Those who believe that their safety was not considered found the response of the criminal justice professionals lacking (conditions are not monitored, no conditions are placed on accused, breaches are not pursued, sentence is light), and some also feel powerless because harassment by the offender has continued. Almost all said that they told someone about their safety concerns.

Most told either the police, V/WAP, and/or the Crown about these concerns as well as their family members.

Almost half felt safer having gone through the criminal justice system. They said that they felt supported in reporting the incident, knew that they could have him rearrested for violating conditions, or were satisfied because he was incarcerated. Some noted that the offender had moved, which made them feel safer. Those who did not feel safer gave a variety of reasons: several noted that conditions in probation or bail are ineffective or “just a piece of paper;” some believe that the system did not care or offer support; and others noted that the accused was released, which made them feel unsafe.

4.2.2 Specific responses to victim safety concerns

Use of Domestic Violence Supplementary Report

The Ministry of the Solicitor General and the Ontario Provincial Police Behavioural Sciences Section developed the DVSR as a checklist for use in all domestic violence investigations. Part of the form asks officers to identify risk factors that should be considered by police and Crown in determining whether to oppose bail and what conditions, if any, to request. In interviews, police in all sites reported that they routinely use the DVSR, although in one site a few police commented that the degree to which the DVSR is being completed varies among police services. Police interviewees universally said that they find the form helpful, commenting that it ensures that they collect all relevant evidence, makes police response to domestic violence investigations more consistent across police services and officers, and assists the Crown in deciding how to handle bail and in prosecuting the case. As well, because they complete the form with the victim, it helps highlight the risks involved for the victim. While generally agreeing that the DVSR is an effective tool, a few non-police stakeholders questioned its utility on the basis that it does not assign an overall score to the results but simply notes the various risk factors. These stakeholders commented that this makes it difficult for criminal justice professionals to analyse the DVSR because they are not trained in how to interpret these items and combine them into a meaningful overall assessment of risk.

The file review compared DVC and pre-DVC files on whether the files contained a DVSR or some other risk assessment tool. As noted in the methodology section, because many of the files are incomplete, these results may under-represent the number of files in which police use a DVSR or other risk assessment tool. Based on the file review, police are using risk assessment tools like the DVSR more frequently. Over two-thirds (68%) of DVC cases contained a DVSR or some other risk assessment tool compared to 18% of pre-DVC files. See Table 40.

Table 40: Use of Domestic Violence Supplementary Report or other risk assessment tool				
<i>Did police complete a DVSR or other risk assessment tool?</i>	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
DVSR or other risk assessment tool in file	408	68%	25	18%
No DVSR or other risk assessment tool in file	193	32%	114	82%
Source: File review				

Release information

As noted in Section 4.2.1, stakeholders listed custody decisions and conditions of release at bail or sentencing that are based on the assessed risk as one way in which the DVC Program protects victim safety. This section considers data from DOVES and the file review on what the release decisions are in domestic violence cases.

According to DOVES data, across the province, about one-quarter of accused are released at the police station (26%), and just over half (53%) are released either on the consent of the Crown or by the Judge/Justice of the Peace. About one-fifth (21%) are detained at the bail stage pending trial. As shown in Table 41, the results revealed several regional differences:

- ▶ The North region had the lowest percentage of accused released either at the police station or at the bail stage (70%), while the Central-West region (84%) had the highest.
- ▶ In the East region, almost half (49%) of accused were released at the police station, while no other region had a proportion higher than 26% (Toronto).
- ▶ The percentage of accused released at the bail stage ranged from about two-thirds in the Central-West (66%) and Central (63%) regions to about one-third (32%) in the East region.
- ▶ In four of the six regions, about one-third (ranging from 31-34%) of accused were released with Crown consent, with the exception of the East (19%) and Toronto (4%). In Toronto, the difference is due to the higher proportion of accused (48%) released by the Judge or Justice of the Peace. No other region had more than one-third (33%) of accused released by a Judge or Justice of the Peace.

Table 41: Accused release information (N=12,160)

Region	N	Accused							
		Released at police station		Detained at the bail stage		Released on consent of Crown		Released by Judge/Justice of the Peace	
		n	%	n	%	n	%	n	%
Province	12,160	3,214	26%	2,560	21%	3,339	27%	3,047	25%
East	2,676	1,302	49%	522	20%	508	19%	344	13%
Central	1,453	236	16%	307	21%	446	31%	464	32%
Central-West	2,856	504	18%	477	17%	930	33%	945	33%
Toronto	989	261	26%	211	21%	42	4%	475	48%
North	777	173	22%	228	29%	257	33%	119	15%
West	3,409	738	22%	815	24%	1,156	34%	700	21%

Source: DOVES

Note: Rows may not sum to 100% due to rounding.

Even though the release types have fluctuated over fiscal periods, the proportion of accused detained at the bail stage has remained fairly consistent at about one in five (roughly 20%). However, as can be seen in Table 42, results for fiscal year 2004-05 and April to December 2005 were similar for all release types.

Table 42: Accused release information by fiscal period (N=12,160)

Fiscal periods*	N	Accused							
		Released at police station		Detained at the bail stage		Released on consent of Crown		Released by Judge/Justice of the Peace	
		n	%	n	%	n	%	n	%
Apr 2005 - Dec 2005	6,710	1,660	25%	1,487	22%	1,869	28%	1,694	25%
Apr 2004 - Mar 2005	4,949	1,319	27%	943	19%	1,395	28%	1,292	26%
Mar 2004 and prior	501	235	47%	130	26%	75	15%	61	12%

Source: DOVES

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

As shown in Table 43, there were considerable differences in release types for males and females.

- ▶ More than half (54%) of accused females were released at the police station compared to about one-quarter (23%) of accused males.
- ▶ A larger proportion of accused males (23%) were detained pending trial at the bail stage compared to accused females (7%).
- ▶ Conversely, women were more likely released either at the police station or at the bail stage (93%) compared to men (75%).⁶⁰

Table 43: Accused release information by gender (N=12,160)

Accused gender	N	Accused							
		Released at police station		Detained at the bail stage		Released on consent of Crown		Released by Judge/Justice of the Peace	
		n	%	n	%	n	%	n	%
Male	10,694	2,246	23%	2,459	23%	2,958	28%	2,851	27%
Female	1,466	788	54%	101	7%	381	26%	196	13%

Source: DOVES

Note: Rows may not sum to 100% due to rounding.

60

This differs from the sum of percentages in the table due to rounding.

The file review data correspond to the results in DOVES as 28% of accused were released at the police station in the file review data and 26% were released based on DOVES results. The file review also allows for a comparison of police detention decisions between pre-DVC cases and DVC cases. That comparison shows that accused since the DVC Program began are less likely to be released at the police station (28% were released in DVC cases compared to 42% in pre-DVC cases). Table 44 provides the complete results.

Table 44: Police detention decision

<i>Decisions</i>	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
Held for bail hearing	393	65%	69	50%
Released at police station (on promise to appear or on undertaking with conditions)	170	28%	58	42%
Other (warrant issued, released on summons)	6	1%	4	3%
Can't determine/No response	32	5%	8	6%

Source: File review
Note: Columns may not sum to 100% due to rounding.

Based on the file review, over two-thirds (69%) of accused who were held over for bail in post-DVC files received some form of release (on own recognizance, undertaking to appear) and about one-fifth (23%) were detained (see Table 45). For the remaining tenth, the bail decision could not be determined. These proportions are similar for pre-DVC files and DOVES data (where 71% of accused who were held over for bail were released at the bail stage).

Table 45: Outcome of bail hearing

<i>Outcomes</i>	DVC cases (N=393)		Pre-DVC cases (N=69)	
	n	%	n	%
Released	273	69%	53	77%
Not released/detained	89	23%	13	19%
Other	1	<1%	1	1%
Can't determine/No response	32	8%	5	7%

Source: File review
Base: Accused held for bail hearing
Note: Columns may not sum to 100% due to rounding.



The most common non-mandatory bail conditions (from the file review) were largely the same for cases before and after the DVC Program began: non-association with victim, not possessing a firearm, not going within a certain distance of the victim's home, and keeping a specified residence.

Please note that due to the high percentage of files for which conditions of judicial interim release could not be determined, Table 46 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of DVC files with a bail condition of non-association with the victim is between 71% and 96%).

Table 46: Non-mandatory conditions of judicial interim release

<i>Types of conditions</i>	DVC cases			Pre-DVC cases		
	All cases (N=273)		With info (N=202)	All cases (N=53)		With info (N=52)
	n	%	%	n	%	%
Non-association with the victim	193	71%	96%	44	83%	85%
Not to possess firearm	170	62%	84%	46	87%	88%
Do not go within certain distance of victim's home	156	57%	77%	39	74%	75%
Keep specified residence	151	55%	75%	42	79%	81%
Abstain from alcohol	64	23%	32%	21	40%	40%
Third party access to children	45	17%	22%	9	17%	17%
Curfew	40	15%	20%	9	17%	17%
Go with police or third party to pick up belongings	37	14%	18%	7	13%	13%
Attend anger management/general counselling	34	13%	17%	7	13%	13%
Non-association with other witnesses	32	12%	16%	14	26%	27%
Remain/reside with surety	25	9%	12%	2	4%	4%
No non-prescription/illegal drugs	22	8%	11%	7	13%	13%
See physician/seek medical advice	13	5%	6%	4	8%	8%
Remain away from specific town/city	12	4%	6%	2	4%	4%
Attend alcohol abuse program	11	4%	5%	4	8%	8%
Remain in Ontario	9	3%	4%	1	2%	2%
Report to police/surety	8	3%	4%	4	8%	8%
Seek/maintain employment/education	7	3%	3%	1	2%	2%
Give up passport/do not leave Canada	5	2%	2%	2	4%	4%
Not molest/harass/physically interfere with victim	5	2%	2%	1	2%	2%
Abstain from entering establishments that sell alcohol	3	1%	1%	1	2%	2%
Not in possession of cell phone/pager	3	1%	1%	--	--	--
No association with other criminals	3	1%	1%	--	--	--
Other	2	1%	1%	--	--	--
Can't determine/No response	71	26%	--	1	2%	--

Source: File review

Base: Accused released on bail

Note: Cases can have multiple bail conditions. Therefore, columns do not sum to 100%.

Caution: Presentation of frequencies with missing data removed assumes random distribution of missing data.

Written revocable consent

Bail and probation conditions are now more likely to include provision for a written revocable consent (WRC) whereby the victim can consent to certain types of communication with the accused/offender, which can be revoked later if the victim changes her or his mind. In several sites, WRC received comment from stakeholders: while some expressed satisfaction with the system of including WRC in bail and probation conditions because it gives victims a sense of having some control, others had reservations about how well it is working. These reservations included: concerns that victims sometimes feel pressured by the accused/offender or other family members either to file a WRC or not to revoke consent; WRC are sometimes included in orders without the risk having been adequately assessed; the fact that not all probation orders require that the WRC be filed with both the victim and the probation officer's consent (which was seen as protecting the victim from these pressures to file a WRC); and that, according to some sites, when the WRC is part of bail or a peace bond, it is unclear where to file it.

Stakeholders believe that WRC currently works better in the probation setting because the procedures for filing and revoking consent are clearer, the probation officers are usually involved in deciding whether the WRC is appropriate given the level of risk involved, and the probation officers notify the offender if the consent is revoked. When the WRC is part of bail or a peace bond, it is not always clear who holds the consent (in one focus site, the PAR program does), who the victim goes to in order to revoke the consent, or who notifies the accused when the consent is revoked. Some stakeholders believe that this lack of clarity increases the likelihood that an offender will pressure the victim to consent to contact.

A few stakeholders noted that WRCs are confusing to victims. Victims believe that when they revoke consent, it applies only to the accused/offender and do not realize that they also then cannot have contact with the accused/offender.

Keeping victims informed

This section focuses on the PAR program partner contact component and probation. The information provided by the other criminal justice partners (V/WAP, police) on the case against the accused (including bail decisions and conditions) and court process is also considered part of response to promote victim safety and is discussed above in Section 4.1.2 under the objective of improving services for victims.

PAR program

As part of their agreement with the Ministry, each PAR program must include a partner contact component that explains the program to offenders' partners and gives them some support while the offender is in the program. Each PAR program should contact partners at least four times to provide support and update the victim about the progress of accused. In interviews, all of the PAR programs in the six focus sites reported having an individual designated to handle partner contact and that the Program contacts partners who want to hear from them at least four times. Most programs mentioned that contacting partners can be a challenge. Some reported that V/WAP or probation assists them with obtaining contact information, while others said that V/WAP will assist them by sending a letter to the partner that notifies them that the Program

wants to speak with them and provides the PAR program's contact information. The PAR program in one site said that V/WAP will not provide contact information if they are having difficulty contacting the partner/victim. They found this frustrating and desired some solution that would not violate confidentiality, but would still recognize that these programs are all working together to assist the victim.

In terms of the content of the contacts with partners, all programs mentioned providing partners with information on the program, community referrals, and safety planning in their initial contacts. Some sites appear to do more detailed safety planning. Rather than provide a prepared checklist to partners, they also include factors that they noted in the intake interview with the offender. In their subsequent contacts with partners, programs notify the partner of the offender's progress; however, the content of that discussion appears to vary by program. Some provide primarily attendance information, and others include information on how the offender is doing. Programs also inquire about any ongoing safety concerns the partner may have and, if the partner is allowed contact with the offender, they will ask the partner about the offender's progress at home.

PAR staff commented that the partner contact component is beneficial to both the partner and the program. For the victim, the contact with the PAR program provides them with support and with education on the issues of domestic violence and what constitutes abusive behaviour, which affects the results for both offender and victim. For the program, information obtained from the partner on the offender's behaviour helps group facilitators determine the issues to focus on during the sessions and to better evaluate the offender's progress and success in the program.

The data from ASRS, the PAR program database, confirms the information collected from interviews that the PAR program is meeting its obligations in contacting partners. As shown in Table 47, the average number of partner contacts increased across fiscal periods from three contacts per partner in 2002-03 to just over four between April and December 2005. These figures underestimate the number of partner contacts as ASRS does not collect information on whether partner contact information was available or whether the partner declined contact from the PAR program.

Table 47: Partners of PAR-DVC referrals contacted by PAR (ASRS)			
Fiscal period*	Partners contacted	Contacts	
		Total	Average
Total (Apr 2002 - Dec 2005)	23,809	86,989	3.7 contacts
Apr 2005 - Dec 2005	4,794	19,515	4.1 contacts
Apr 2004 - Mar 2005	7,206	27,907	3.9 contacts
Apr 2003 - Mar 2004	6,444	23,428	3.6 contacts
Apr 2002 - Mar 2003	5,365	16,139	3.0 contacts
Source: ASRS			
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).			
Note: Average number of contacts per partner was calculated by dividing total contacts by partners contacted for first time.			

A sizeable minority of the victims interviewed had a partner ordered into the PAR program. Most of these victims had the partner ordered into PAR as part of probation. Around half said that they were asked beforehand if they thought this was a good idea. Only a few of those interviewed reported that their partner had completed the program. Of those, about half said that they were informed about the partner's progress in the program and reported receiving safety



planning information. A sizeable minority received referrals to other community organizations from PAR staff or information about what is abusive behaviour. Of victims whose partner was in or had completed PAR, about half said that they felt supported by the PAR program while the offender was in it.

Probation

The services of probation and parole are not technically part of this evaluation, although a few questions inquired about their responsibilities under the DVC Program.

Probation officers reported following the Ministry of Community Safety and Correctional Services (MCSCS) Partner Abuse Protocol when dealing with domestic violence cases. The standard policy for DVC cases is that the probation officer will communicate with victims about the incident if pre-sentencing reports are required. Once sentencing is over, when a non-association condition is included in a probation order or conditional discharge, the probation officer must contact the victim to inform her or him of the condition and to ensure her or his continued safety. The protocol also states that a probation officer must contact the offender's current partner, if not the victim, and the probation officer is encouraged to maintain contact with community stakeholders involved with the case.

In addition, under the policy, every domestic violence case goes through a comprehensive assessment, using the LSI-OR (level of supervision inventory). This comprehensive assessment includes contacting the victim for information on safety concerns, obtaining police information on the offence, conducting a criminal record check on the offender, obtaining the offender's current partner's contact information if applicable, and determining whether the offender has access to firearms. This information helps probation determine the level of supervision that is needed and assists the officer in developing a case plan. Some probation officers noted, however, that because the LSI-OR is not always accurate in cases of domestic violence, probation officers are expected to use their discretion in developing the case plan. For example, denial of the offence by the offender (or victim) may not be of particular concern in non-domestic cases, but does constitute an important risk factor in domestic violence.

Stakeholders cited areas of concern with probation, particularly with respect to their relationship with the PAR program:

- ▶ PAR programs in three sites noted difficulties getting probation officers to refer to them, particularly when probation orders simply require that the offender attend counselling.
- ▶ PAR staff in some sites also noted issues with information-sharing. Necessary documents, such as police summaries, are not always shared with the PAR program. A few also mentioned that they are not always notified by probation of PAR clients who breach their conditions or re-offend. According to the PAR staff, this information is important for both their counselling and partner contact responsibilities, and, in the case of re-offending, PAR needs to know because they are supposed to suspend these offenders from the Program and the offender can only return on a new referral.

- ▶ While some sites reported that the probation officer monitors the offenders who attend the PAR program as part of their probation order, one site questioned the extent to which probation monitors offenders attending PAR, which means that the PAR program essentially monitors the offender.
- ▶ A number of stakeholders also believe that probation officers do not have a good understanding of domestic violence issues; a probation officer in one site noted that there is no mandatory training in domestic violence for probation officers beyond the one-time basic training that all probation officers are required to attend.
- ▶ Some stakeholders who work with Aboriginal people desire that probation develop an expertise in working with Aboriginal people or set up a team of officers who work with Aboriginal offenders.
- ▶ Several stakeholders also commented that, mainly because of limited resources, probation officers are unable to provide the required monitoring and follow-up. These stakeholders believe that breach charges are not laid as often as they should be. In one site, stakeholders pointed to a discrepancy among the views of Crown, police, and probation around laying breach of probation charges. From probation's perspective, breaches should be examined on a case-by-case basis because the ability of probation to lay a breach charge depends on the information that is available around the incident. According to probation, they often lack sufficient information to lay a charge and, therefore, police should further investigate the incident and lay the charge themselves. Other stakeholders, including police, Crown, V/WAP and PAR, believe that probation should be laying breach charges and that MCSCS should hold probation to the same standard as it holds police.

4.2.3 Recidivism

As described in the methodology section, the DOJ study of recidivism compares 500 offenders in DVC cases with 500 offenders in other provincial courts (non-DVC) who were convicted between January 1 and December 31, 2001 (the index domestic violence conviction).

The study defined recidivism as “at least one reconviction for **any** criminal offence after the index domestic violence conviction” during the approximately two-year period between the index conviction and December 31, 2003 (emphasis added). Because of the unique characteristics of domestic violence, reconviction for a domestic violence-related offence is the more directly relevant measure for recidivism, as the DOJ study notes. While the study does consider spousal violence as a category of criminal offence, the study notes that there is lack of consistency in the data used to identify spousal offences. The study notes that “[a]lthough all index domestic violence convictions were definite spousal offences, as this was the basis for this analysis, it was not possible to accurately identify all pre and post spousal offences due to the variability among police forces in filling out the RCMP’s Volunteer Screening Initiative (VSI) of the Criminal Records Synopsis (CRS).”⁶¹

⁶¹ Quann, N. (forthcoming). *Offender Profile and Recidivism among Domestic Violence Offenders in Ontario*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada, p. 39.



When considering all types of offences, the study did not find a difference between the reconviction rates of offenders convicted in DVC cases with offenders convicted in non-DVC cases (subsequently referred to here as “DVC offenders” and “non-DVC offenders” for the sake of brevity). Less than one-third of DVC and non-DVC offenders had at least one reconviction during the time period (31% or n=157 compared to 32% or n=160, respectively). The number of reconvictions also did not vary substantially, with both DVC and non-DVC offenders averaging two reconvictions.

However, the study showed differences in the types of offences for which DVC and non-DVC offenders were reconvicted as well as differences in the severity of the sentence given. Of offenders who were reconvicted between the date of their index domestic violence conviction and December 31, 2003:

- ▶ DVC offenders were more likely to be reconvicted of administrative offences (such as breaches) than non-DVC offenders (43% or n=67 compared to 28% or n=44, respectively).
- ▶ DVC offenders were also less likely to be reconvicted of a spousal or other violence offence than non-DVC offenders (49% or n=77 compared to 60% or n=96, respectively).
- ▶ DVC offenders were more likely to receive incarceration as part of their sentence (81% or n=127 compared to 77% or n=123 for non-DVC offenders).

The study also found that the factors that have the strongest relationship with the overall likelihood of recidivism (based on a correlation analysis) are the same for DVC and non-DVC cases. Those factors are: whether the accused has a prior criminal record, the total number of lifetime convictions, and the total number of lifetime charges without a conviction. Using logistic regression, the study did not find that conviction in a DVC affected the likelihood of recidivism, but rather that the existence of prior convictions, prior prison sentences, prison sentences for the index domestic violence conviction, and the offender’s age had a much stronger influence on whether someone re-offended.

As stated in the conclusion of the report:

“The findings presented in this report did not demonstrate the influence of a DVC on reducing the overall likelihood of recidivism. Based on these data, we were not able to find a strong positive relationship between appearing in DVC and recidivism. However, offenders who appeared in a DVC were less likely than offenders who appeared in other Ontario provincial courts to be reconvicted of a spousal or other violent offence and were more likely to be reconvicted of an administrative offence. Also, offenders who appeared in a DVC were more likely to receive a prison sentence for the index domestic violence conviction than offenders who appeared in other Ontario provincial courts and they were also more likely to receive a prison sentence for the reconviction.”⁶²

⁶² Ibid., p. 38.

4.3 Holding offenders accountable

The discussion of this objective considers several issues that concern holding offenders accountable:

- ▶ enhanced investigations conducted by the police to collect evidence in addition to victim testimony
- ▶ the use of the Model Police Response to Domestic Violence
- ▶ stakeholder and victim opinions on police response
- ▶ the prevalence of dual charges and how this affects the response of DVC Program services, particularly V/WAP
- ▶ the designation and use of specialized Crowns to handle domestic violence cases
- ▶ barriers to successful prosecutions
- ▶ the operation of the EIP and PAR programs
- ▶ disposition of domestic violence cases, including a comparison with other criminal cases
- ▶ sentences in DVC cases, including conditions.

4.3.1 Police response

Enhanced investigations

Under the DVC Program and as part of the Model Police Response to Domestic Violence, police are to conduct enhanced investigations where they obtain evidence in addition to victim testimony, such as photographs of the crime scene or victim injuries, or video, audio, or written witness statements.⁶³ DOVES collected information on the use of enhanced investigations and the data show that in two-thirds (66%) of cases, the police collected evidence in addition to the victim's statement (see Table 48). Results on the collection of additional evidence varied by region from about three-quarters of cases in the East (77%) and Toronto regions (74%) to around half of cases in the North (58%) and Central (53%) regions.

Table 48: Police collected additional evidence, besides victim testimony (N=12,160)

Region	N	Additional evidence collected					
		Yes		No		Not applicable*	
		n	%	n	%	n	%
Province	12,160	8,061	66%	3,955	33%	144	1%
East	2,676	2,067	77%	607	23%	2	<1%
Central	1,453	771	53%	675	46%	7	<1%
Central-West	2,856	1,816	64%	938	33%	102	4%
Toronto	989	735	74%	246	25%	8	1%
North	777	449	58%	328	42%	-	-
West	3,409	2,223	65%	1,161	34%	25	1%

Source: DOVES

Note: Rows may not sum to 100% due to rounding.

*Not applicable means there was no additional evidence to be collected.

The proportion of cases in which the police collected additional evidence has remained fairly constant over the last two years at about two-thirds of cases (67% in fiscal year 2004-05 and 65% of cases in April to December 2005). See Table 49.

Table 49: Police collected additional evidence, besides victim testimony by fiscal year (N=12,160)							
Fiscal year*	N	Additional evidence collected					
		Yes		No		Not applicable	
		n	%	n	%	n	%
Apr 2005 - Dec 2005	6,710	4,369	65%	2,341	35%	0	-
Apr 2004 - Mar 2005	4,949	3,301	67%	1,509	31%	139	3%
Mar 2004 and prior	501	391	78%	105	21%	5	1%
Source: DOVES							
Note: Rows may not sum to 100% due to rounding.							
*Please note that because of the time lines of the evaluation 2005-06 fiscal year is partial (April to December 2005).							

Results from the file review are consistent with the DOVES data in that in about two-thirds (64%-67%) of cases police collected evidence in addition to the victim statement. The file review also shows that police have been more likely to collect additional evidence since the DVC Program began. Please note that due to the high percentage of pre-DVC files for which collection of evidence in addition to the victim statement could not be determined, Table 50 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of pre-DVC files with no additional evidence collected is between 34%-42%).

Table 50: Police collection of evidence in addition to victim statement						
Did police collect evidence in addition to victim statement?	DVC cases			Pre-DVC cases		
	All cases (N=601)		With info (N=570)	All cases (N=139)		With info (N=113)
	n	%	%	n	%	%
Yes	382	64%	67%	66	47%	58%
No	188	31%	33%	47	34%	42%
Don't know/no response	31	5%	--	26	19%	--
Source: File review						

Based on the file review results, the types of evidence collected have also changed since the DVC Program began (see Table 51 next page). The largest change in the kinds of evidence collected was 911 audiotapes. There were also increases in collecting pictures of the victim's injuries or the crime scene. However, obtaining statements from witnesses other than the victim fell between pre-DVC and DVC files. Because many of these items of evidence would not still be located in the file if they had been submitted into evidence, the representations in the DVSR about evidence collected were often relied upon. Also, because of the culling of information from many of the files, these results may underestimate certain types of evidence collected.

As with Table 50 above, please note that due to the high percentage of pre-DVC files for which collection of evidence in addition to the victim statement could not be determined, Table 51 presents results for cases where the information was available as well as for all cases.

Table 51: Evidence collected in addition to victim statement

<i>Did police collect evidence in addition to victim statement?</i>	DVC cases			Pre-DVC cases		
	All cases (N=601)		With info (N=570)	All cases (N=139)		With info (N=113)
	n	%	%	n	%	%
No additional evidence collected	188	31%	33%	47	34%	42%
911 audiotape	195	32%	34%	5	4%	4%
Independent witness statements	125	21%	22%	34	25%	30%
Pictures of victim injuries	123	21%	22%	22	16%	19%
Pictures of crime scene	61	10%	11%	3	2%	3%
Obtain victim consent to release of medical records	37	6%	6%	6	4%	5%
Communications from accused to victim (phone records, letters)	23	4%	4%	3	2%	3%
Statement from accused (written/videotaped/audiotaped)	12	2%	2%	3	2%	3%
Seize weapon used in offence	12	2%	2%	2	1%	2%
Non-emergency tape or CD	11	2%	2%	--	--	--
Physical evidence other than weapon	8	1%	1%	2	1%	2%
Pictures of accused	8	1%	1%	--	--	--
Other	15	3%	3%	7	5%	6%
Can't determine/No response	31	5%	--	26	19%	--

Source: File review

Note: Cases can have multiple kinds of evidence collected. Therefore, columns do not sum to 100%.

Caution: Presentation of frequencies with missing data removed assumes random distribution of missing data.

Another aspect of enhanced investigations is obtaining sworn videotaped victim statements (or what are sometimes referred to as KGB statements) rather than simply written statements. The file review results show an increase in the collection of videotaped statements. Please note that due to the high percentage of pre-DVC files for which collection of videotaped victim statements could not be determined, Table 52 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of pre-DVC files with no videotaped victim statement collected is between 67%-82%).

Table 52: Videotaped victim statement

<i>Did police collect a videotaped victim statement?</i>	DVC cases (N=601)			Pre-DVC cases (N=139)		
	All cases (N=601)		With info (N=570)	All cases (N=139)		With info (N=113)
	n	%		n	%	
Yes	212	35%	37%	20	14%	18%
No	358	60%	63%	93	67%	82%
Can't determine/No response	31	5%	--	26	19%	--

Source: File review

Model Police Response

The Model Police Response to Domestic Violence (MPRDV) adopted in 2000 includes guidelines in four areas: domestic violence occurrences, bail and violent crime, criminal harassment, and preventing and responding to occurrences involving firearms. It also provides police services with a choice among four models for how to organize their response to domestic violence incidents:

Model “A” – an adequate number of patrol officers who are designated as domestic violence investigators

Model “B” – a specialized unit of domestic violence investigators who conduct, manage, or review the investigation of all domestic violence occurrences

Model “C” – domestic violence occurrence triggers the requirement in the police service’s criminal investigation management plan that the investigation be undertaken or managed by a criminal investigator

Model “D” – patrol supervisors are designated as domestic violence investigators who will conduct, manage, or review the investigation of all domestic violence occurrences.⁶⁴

According to police stakeholders, the police services at five of the six focus sites have implemented Model D, where the police have patrol supervisors who are specially trained in conducting domestic violence investigations and who are responsible for managing and reviewing all domestic violence investigations.⁶⁵ These sites also have domestic violence coordinators or regional abuse issues coordinators who review all domestic violence files to assist front-line officers and ensure compliance with policies and standards on conducting domestic violence investigations.

The other site has implemented Models B and C. In accordance with Model B, each division of the police service has established a specialized unit of domestic violence investigators who are responsible for undertaking, managing or reviewing domestic violence investigations. In addition, because domestic violence occurrences are designated as threshold occurrences under the police service’s criminal investigation management plan, these investigations must be undertaken or managed by a criminal investigator as specified in Model C. Therefore, after the first response by front-line officers, cases are passed on to an investigator within the domestic violence (DV) team. Police stakeholders in sites with Model B all believe that their service has fully implemented the model. Other stakeholders did not feel qualified to comment. For the site with Models B and C, a small number of stakeholders reported that lack of personnel constitutes somewhat of a barrier to implementing the model response because ideally, DV investigators would be present at first response. However, this is not feasible with the current number of DV investigators.

The DVSR is also part of the Model Police Response. Please refer to the discussion of the DVSR in Section 4.2.2.

⁶⁴ Description of the MPRDV models is taken from Ministry of Community Safety and Correctional Services (2006). *Evaluation of the Model Police Response to Domestic Violence 2006 Report*.

⁶⁵ One of these sites is moving toward Model B.

Assessments of police response

In most sites, stakeholders generally agreed that police practices and investigations of domestic violence incidents have improved. They credited improved awareness and sensitivity to domestic violence issues, additional police training, and the use of domestic violence coordinators for reviewing investigations. However, in four of the sites, several of the stakeholders who serve victims (V/WAP, PAR, community organizations) as well as some criminal justice professionals (in particular Crown) commented that the response could improve further. They characterized the response as uneven and still too dependent on the particular officer involved. They cited instances where police only take a victim statement even though other potential evidence, such as photographs of the scene or of injuries, should have been gathered. At one larger site, both community and justice partners voiced the concerns that some police officers are still insensitive to domestic violence incidents and will sometimes just issue warnings. Stakeholders suggested that more training in domestic violence issues, particularly for front-line officers, would improve police response.

Stakeholder comments on the main types of evidence collected in addition to victim statements are:

- ▶ **Sworn videotaped statements (KGB statements).** In most sites, stakeholders believe that police have been obtaining more KGB statements since the DVC Program began, particularly if the offence is serious or if there is concern that the victim might recant. The importance of this to prosecutions, Crowns pointed out, is that the videotaped statement shows the victim's demeanour at the time of the incident, which is important for the victim to remember as well as the court to see. A few sites noted issues around KGB statements: more KGB statements should be taken from child witnesses; the backlog in transcription of KGB statements in one large site is considered to have created a reluctance to take these statements because they are unlikely to be used in court; quality of KGB statements in one smaller site is seen as causing additional work for Crowns because statements are unnecessarily long and stray from the relevant issues; and some victims are reluctant to provide KGB statements.
- ▶ **911 tapes.** Most sites reported that 911 tapes are usually requested by police in domestic violence cases. In one site, tapes are not automatically requested but will be if the police believe there is some evidentiary value. In that site and in one other site, Crowns expressed some concern that 911 tapes are not always requested when they should be. At one site, this was particularly problematic because 911 tapes have a limited retention period, so if copies are not requested, the tapes may be destroyed by time of trial. Some stakeholders noted the benefits of playing 911 tapes to victims who want charges withdrawn because it helps encourage them to continue assisting the prosecution.
- ▶ **Photographic/physical evidence.** While stakeholders noted improvements in collecting physical evidence, those in three sites think that more could still be done: better follow-up to document injuries that may surface a couple of days after the incident; more photographs of the crime scene as these can corroborate the victim's version of events and in some cases can provide a powerful indication of the violence of the incident; and more photographs of the victim and better descriptions of the victim's demeanour in

police notes. Some stakeholders suggested that a limitation on the ability of police to take photographs is that officers do not have cameras with them or do not have back-up photo investigative units.

- ▶ **Interviewing witnesses.** Most stakeholders believe that the police response in interviewing independent witnesses to domestic violence incidents has improved. However, in some sites, several stakeholders (Crown, in particular) thought that more could be done. These stakeholders do not believe that police make a point of always interviewing neighbours, although they acknowledged that obtaining witness statements is often difficult because people do not want to get involved in the criminal justice process. These stakeholders emphasized the importance of trying to obtain witness statements at the scene, since one piece of corroborating evidence vastly improves the prospects of conviction and decreases, although does not remove, the reliance upon the victim's testimony.

The barriers to gathering additional evidence mentioned by stakeholders appear to be common to large, medium, and small sites. First, stakeholders believe that insufficient resources hinder investigations. Several sites commented that shortage of staff makes it difficult to conduct these more extensive investigations: officers at the scene feel pressured to resume their duties patrolling and the preparation of Crown briefs takes much more time. Stakeholders also pointed out that in some cases, there is no corroborating evidence (e.g., no witnesses, no injuries) to collect. In addition, stakeholders said that, for a variety of reasons, some victims are hesitant to become involved in the investigation of the case. Finally, in the large sites, language and cultural barriers were mentioned because officers attending the scene may have difficulty getting and/or understanding the victim's story. Stakeholders emphasized the need to use interpreter services in these situations.

When asked whether any of this additional evidence could be used in place of victim testimony, Crowns said that it theoretically can, depending on the type of additional evidence and whether there is a legal basis for admitting the evidence. Crowns noted that some forms of additional evidence still require the victim to testify; for example, for KGB statements to be admitted into evidence, the victim has to recant to demonstrate the need to use the videotape. Crowns pointed out that, even where additional evidence could be admitted without victim testimony, it is exceedingly difficult to obtain a conviction. Crowns said that if the case has evidence such as additional witnesses, photographs, or medical records, the probability of conviction improves, but they believe that when the victim does not testify, there is a general reluctance on the part of some judges to convict. Some Crowns also reported that another challenge with using the evidence is finding the time to adequately review these more extensive Crown briefs before trial. In addition, a few Crowns indicated that obtaining transcripts of 911 calls and of KGB statements, as required by judges, is very time-consuming, and because of existing backlog, there is rarely time to obtain them.

In interviews, most victims said the police responded the same day as the incident with most of these victims reporting that police came during the incident. Victims reported that when police initially attended the scene, the police most often spoke to them about making a statement and staying somewhere safe, such as a shelter or their parents' home. Almost all of the victims

interviewed said that they provided police with some form of statement – usually in writing, although some said that their statement was videotaped.

Most victims said that they believed the police understood what happened and that they were treated fairly. They felt that the police provided support and reassurance, were respectful, and took them seriously. Those who did not feel fairly treated were equally divided into those who had a mixed opinion (usually because some officers treated them well and others did not) and those who did not feel treated fairly (police were unkind, disrespectful, did not listen, made them feel at fault).

About half of the victims interviewed thought that police could have handled some things differently. Their responses varied. Some common themes were: dissatisfaction with mandatory charging (would prefer mediation or other solutions that would keep family together); desire for more information about the process; and police were judgmental (they treated the victim like a suspect or as if the victim had incited the incident).

Dual charging and female offenders

Stakeholders in three sites estimated that few cases (less than 5%) involve dual charges. At the other three sites, stakeholders gave less consistent estimates, ranging from less than 5% to as much as 20%. Two of the smaller sites did not consider dual charges to be a problem. Stakeholders in the other four sites were divided, with some commenting that the incidence of dual charges is rising and even a small number of these cases is too high, and others thinking that the police are no longer filing dual charges as often and have improved in their ability to determine the primary/dominant aggressor.⁶⁶ Some dual charges do not come from the police, but stem from the same incident reported to police. As some stakeholders pointed out, male accused sometimes file a private complaint with the justice of the peace in retaliation for the woman's calling the police. This is sometimes referred to as a counter-charge.

Some stakeholders also commented that they believe that more women are being solely charged as the aggressor. While DOVES data do not show an increase in the percentage of women charged, the data do show that overall 12% of cases have a female accused (dual and sole charges). Community stakeholders find this situation troubling because most domestic violence is directed against women. Some of these stakeholders cautioned that the police and Crown should consider the history of the relationship in deciding whether to lay charges because the woman may have been defending herself, even though she may not have been in immediate physical danger.⁶⁷ These stakeholders pointed out that women's response is likely due to years of verbal, physical, and/or sexual abuse, and the male "victim," who might have substantial experience with the criminal justice system due to past charges of domestic violence, uses the mandatory charging policy as a method of asserting further control over his partner.

⁶⁶ Crown policy provides guidance on handling dual charges and instructs Crown to try to identify the "most culpable party." The policy cautions Crown in making this decision to "be aware of the dynamics of domestic assault and whether or not there has been a history of assault on either party." See Practice Memorandum [2002] No. 9, Spouse/Partner Offences Miscellaneous Issues.

⁶⁷ A recent study conducted by the Women Abuse Council of Toronto also addresses this issue. See *Women Charged with Domestic Violence in Toronto: The Unintended Consequences of Mandatory Charge Policies*: The Women Abuse Council of Toronto, March 2005.

V/WAP in the sites differ in how they respond to dual charges.

- ▶ Two sites offer full services to both parties and assign them to different V/WAP workers. If the Crown decides to withdraw charges against one party, V/WAP also no longer assists the other party to those withdrawn charges.
- ▶ Two sites provide limited assistance, such as information on the court process and referrals, to both parties. If the Crown decides to withdraw charges against one party, V/WAP will then proceed to give full services to that party.
- ▶ In one site, V/WAP consults with the Crown about which party seems to be the primary aggressor. Then while the Crown considers how to proceed, V/WAP offers services to the party that does not appear to be the primary aggressor. They do only limited outreach to the other party and ensure that two different staff members assist the parties.
- ▶ At another site, V/WAP considers the history of the parties and whether one has already been a V/WAP client to determine which party is more at risk. They then offer full services to that party and limited services to the other, likely over the telephone. Different staff assist each party.

V/WAP staff at all sites find it awkward to deal with dual charges. Confidentiality for the two clients is a concern as is safety, particularly if one client has a history of abuse. To protect its staff, one site may restrict its services to that individual to assistance by telephone. A few stakeholders noted that the connection between cases is not always made and a flag on files that involve dual charges would be helpful.

In the files reviewed, the percentage of cases with dual charges was 1% in pre-DVC files and 4% in DVC files (see Table 53). Please note that in 90% of DVC cases and 99% of pre-DVC cases, there was no affirmative evidence that dual charges were filed, and therefore, these cases are presumed to not include dual charges.

Table 53: Dual charges				
	DVC cases (N=601)		Pre-DVC cases (N=139)	
	#	%	#	%
Evidence of dual charges	23	4%	1	1%
No evidence of dual charges	538	90%	113	99%
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

Similarly, victim interviews involved only one victim who also had charges laid against her. She was charged with assault, but those charges were later withdrawn. She was not contacted by V/WAP, and although she contacted them, she reported not receiving any services.

4.3.2 Prosecutions

Designation of domestic violence Crowns

In all DVC jurisdictions, there are designated domestic violence Crowns (DV Crowns). A DV Crown is assigned to do domestic violence work and in large sites is assigned to a DV team. For the purposes of this study and other monitoring done by the CLD through DOVES, a non-DV Crown is any Crown who is not currently designated a DV Crown and is not currently assigned to a DV Crown team. In all Crown offices, Crowns can rotate in and out of having the DV designation and serving on DV teams. In general, all Crowns have received some training in DV cases (see Section 4.1.6).⁶⁸

The DV designation works differently in each of the sites, although there are some similarities. Generally, the sites try to have a DV Crown screen all DV cases, but that is not always possible. The screening usually includes determining if the file is complete, meaning that all appropriate evidence has been collected, and necessary and relevant statements have been taken, and determining the Crown's position on the case, including an initial determination of EIP eligibility. Because bail court is outside the DVC Program, DV Crowns do not necessarily handle bail court for domestic violence cases; however, in all sites they handle bail variations. In most of the sites, DV Crowns generally handle set dates and pre-trials, except in one site where there is little continuity in Crown. For trials, three sites try to ensure that a DV Crown is assigned to the case once it is set for trial; in two sites DV and non-DV Crowns handle domestic violence trials unless the case considered high risk. One site has assigned DV Crown status to all of its Crowns, which means that all domestic violence cases are handled by a Crown with that designation.

Table 54 provides a brief overview.⁶⁹

Table 54: Designation of DV Crowns

Site	Description
College Park	<p>There are 4.5 DV Crowns in an office of about 30 Crowns. DV Crowns handle DV matters almost exclusively, and they handle almost all the DV cases in College Park.</p> <p>DV Crowns do not handle bail, but may provide input to the bail Crown, upon request. DV Crown handle bail variations at the Ontario Court of Justice and provide input to Crowns conducting contested bail variations at the Superior Court of Justice.</p> <p>DV Crowns screen files, conduct victim interviews, handle set dates and pre-trials, and conduct trials, when possible.</p> <p>They try to ensure that the same Crown handles the DV case post-bail to trial, but the Crown may change at the trial stage due to scheduling issues. Files are assigned to Crown according to the alphabet; for example, one Crown will have files for all accused with names beginning with S to Z.</p>
Halton	<p>There are 8 DV Crowns in an office of 17 Crowns. DV Crowns handle DV and non-DV matters.</p> <p>DV Crowns do not handle bail, but a DV Duty Crown (assigned by rotation among the DV Crowns) handles requests for bail variations and inquiries from victims.</p> <p>DV Crowns also screen cases to determine the Crown's position and ensure that the Crown brief is complete and handle resolution meetings that occur on Friday afternoons.</p> <p>Once the case is set for trial, a DV Crown is assigned to the case and they try to ensure that this Crown handles the case through trial.</p>

⁶⁸ Domestic Violence Courts. *Interpretation Guide: Domestic Violence Court Data Collection Form.*

⁶⁹ Please also see Section 4.6.2 for a description of the resources provided for the DVC Program.

Table 54: Designation of DV Crowns

Site	Description
L'Orignal	There is 1 DV Crown in an office of 3 Crowns. DV Crowns handle DV and non-DV matters. The DV Crown screens all cases to determine the Crown's position and ensure Crown brief is complete and handles all variations of conditions and almost all pre-trials. Bail hearings and trials are handled by both DV and non-DV Crowns. DV Crown will conduct trials in high risk matters and as much as scheduling permits for all other matters.
Newmarket	There are 3 DV Crowns in an office of about 30 Crowns. DV Crowns handle DV and non-DV matters. Non-DV Crowns are involved in screening DV cases. DV and non-DV Crowns handle cases at the DV set date court. This court handles pleas, set dates, pre-trials, and bail variations. To assist in resolving matters, a Resolution Crown sits outside of the set date court and will meet with the accused and his or her lawyer. The Crown's office will try to ensure that this is a DV Crown or at least a senior Crown. Once the matter is set for a preliminary hearing or trial, any Crown (DV or non-DV) can handle. In general, there is little continuity in Crown. However, if a case is high risk, they will try to ensure the same Crown handles it.
Owen Sound	All of the Crowns in the office (3) are DV Crowns. One of the DV Crowns screens all the cases. Otherwise, any of the 3 Crowns handle the other aspects of the case. As all Crowns are DV Crowns, they also handle all other criminal cases in Owen Sound. Continuity of Crown is not assured, although for high-risk cases they will try to have the same Crown handle them.
Sault Ste. Marie	There are 2 DV Crowns in an office of 9 Crowns. DV Crowns handle non-DV cases, too. DV Crowns seldom handle bail, but after bail, DV Crowns handle DV cases.

Source: Stakeholder interviews

Stakeholders listed several advantages and disadvantages to having designated DV Crowns. In general, both Crown and non-Crown stakeholders consider DV Crowns to be an improvement to the system. The most common advantage listed was that the designation allows Crowns to develop an expertise in handling DV cases; through experience, they gain a better understanding of DV issues, relevant case law, and the options available for sentencing and diversion. As well, they become more effective in managing cases and ensuring that they are taken seriously. Crowns also see the policy of having designated Crowns handle most post-bail aspects of the case as promoting continuity and a consistent approach to domestic violence prosecutions; however, as Table 54 shows, this continuity does not necessarily go through the trial stage. Justice and community stakeholders emphasized that having Crowns with DV expertise is helpful when they have questions or need advice.

Crowns pointed to burnout as a major problem. They noted that cases are demanding, require more preparation time, and can be emotionally draining. For this reason, Crowns were divided on whether it is a good idea to have DV Crowns handle only DV cases or allow for a mix of cases. Some Crowns expressed reservations about how Crowns receive the DV designation. Because DV Crowns are assigned, they may not have an interest in working in this area of law. A few Crowns noted that women tend to be designated DV Crowns and expressed concern that this gendered approach undermines the idea of teams and presents a system that appears biased toward a "female perspective" and is easier to dismiss.

Other stakeholders cited few disadvantages. While most believe that the system has improved since the institution of designated DV Crowns, several community stakeholders commented that the designation is not as effective as it could be because DV Crowns are under-resourced. They

noted that DV Crowns do not have adequate time to talk to victims and provide them with the necessary support and assurances that would give victims confidence. These stakeholders believe that this increases the number of victims who seek to have charges withdrawn. The other disadvantage mentioned, primarily by some defence counsel but also by a few community stakeholders, was the lack of flexibility or use of discretion by Crown due to fear of making judgements that might be seen as lenient (consenting to release on bail, withdrawing charges, etc.). These stakeholders tended to direct this comment to Crowns more generally and not just DV Crowns.

Use of DV Crowns

This section considers how frequently key aspects of cases, such as trials and guilty pleas, are handled by DV Crown.

Guilty pleas handled by DV Crown.⁷⁰ Province-wide, almost two-thirds (65%) of guilty pleas were handled on the direction of a DV Crown: 44% were handled by DV Crowns personally and 21% on instructions of a DV Crown after the DV Crown had reviewed the file. This ranged from over four-fifths in Toronto (85%) and the North (86%) region to just over half (52%) in the Central region. See Table 55 for complete results.

Table 55: Crown who took guilty plea (N=7,349)							
Region	N	Prosecutor					
		DV Crown		Non-DV Crown		Non-DV Crown acting on instructions of DV Crown	
		n	%	n	%	n	%
Province	7,349	3,247	44%	2,589	35%	1,513	21%
East	1,639	795	49%	550	34%	294	18%
Central	877	410	47%	423	48%	44	5%
Central-West	1,579	773	49%	573	36%	233	15%
Toronto	598	497	83%	88	15%	13	2%
North	557	417	75%	80	14%	60	11%
West	2,099	355	17%	875	42%	869	41%
Source: DOVES							
Base: Cases where the accused pleads guilty							
Note: Rows may not sum to 100% due to rounding.							

⁷⁰ In this section, guilty plea refers to response to question "Did the accused plead guilty?" located in the Crown section of the DOVES database. See Section 3.8.1 for further explanation.

Although the proportion of DV Crowns who personally took guilty pleas has fluctuated across fiscal periods, the proportion of non-DV Crowns who took guilty pleas has consistently decreased, and the proportion of non-DV Crowns acting on the instructions of DV Crowns has consistently increased. See Table 56.

Table 56: Prosecutor who took guilty plea by fiscal period (N=7,349)

Fiscal period*	N	Prosecutor					
		DV Crown		Non-DV Crown		Non-DV Crown acting on instructions of DV Crown	
		n	%	n	%	n	%
Apr 2005 - Dec 2005	4,243	2,033	48%	1,300	31%	910	21%
Apr 2004 - Mar 2005	2,841	1,103	39%	1,167	41%	571	20%
Mar 2004 and prior	265	111	42%	122	46%	32	12%

Source: DOVES
Base: Cases where the accused pleads guilty
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Trials handled by DV Crown. Overall, about half (47%) of cases that went to trial and for which there was information on the type of Crown who handled the case (see note in Table 57) were prosecuted by a DV Crown. Results by region varied.

- ▶ In the Toronto and North regions, almost all domestic violence cases that went to trial were prosecuted by a DV Crown.
- ▶ The West region had the lowest proportion (27%) of cases prosecuted by a DV Crown.

Table 57: Type of Crown handling trial (N=1,536)*

Region	N	DV Crown		Non-DV Crown	
		n	%	n	%
Province	1,536	723	47%	813	53%
East	313	167	53%	146	47%
Central	194	81	42%	113	58%
Central-West	344	157	46%	187	54%
Toronto	129	124	96%	5	4%
North	70	63	90%	7	10%
West	486	131	27%	355	73%

Source: DOVES

*Base: Cases where accused went to trial. Please note that 400 trial cases do not appear in this table. These are the cases where the response of "no" was given to "did the accused go to trial" but also had a valid disposition for trial, such as plead not guilty, found guilty or found not guilty of all charges (the cleaning of the trial variable is explained in detail in Section 3.8.1). Because of the structure of the database, these respondents were assigned a "not applicable" response to this question. They are excluded from this table, as their responses to this question are unknown.

The proportion of cases tried by DV Crown has increased by fiscal period to reach just over half (54%) in April to December 2005 (see Table 58).

Table 58: Type of Crown handling trial by fiscal period (N=1,536) *					
Fiscal period**	N	Interviewer			
		DV Crown		Non-DV Crown	
		n	%	n	%
Apr 2005 - Dec 2005	820	440	54%	380	46%
Apr 2004 - Mar 2005	669	265	40%	404	60%
Mar 2004 and prior	47	18	38%	29	62%

Source: DOVES

*Base: Cases where accused went to trial. Please note that 400 trial cases do not appear in this table. These are the cases where the response of "no" was given to "did the accused go to trial" but also had a valid disposition for trial, such as plead not guilty, found guilty or found not guilty of all charges (the cleaning of the trial variable is explained in detail in Section 3.8.1). Because of the structure of the database, these respondents were assigned a "not applicable" response to this question. They are excluded from this table, as their responses to this question are unknown.

Note: Rows may not sum to 100% to due rounding.

**Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Barriers to successful prosecutions

Based on Crown interviews, the most common barrier to successful prosecutions is the situation where the victim recants or desires that charges be withdrawn. Crowns believe that victims want charges withdrawn or lose the capacity to support the prosecution either because the combination of delays in the criminal justice system and the lack of social supports (financial, family, cultural, etc.) places victims in an untenable situation, or because the victims did not support the initial laying of charges. Some Crowns gave an estimate that between 40% and 65% of victims eventually either recant or do not participate in the prosecution. Other barriers identified by Crowns include:

- ▶ Many domestic violence cases lack corroborating evidence. In some instances, this is because police do not collect the evidence, but more often, the corroborating evidence does not exist and the evidence at trial is the victim's version against the accused's version, or a "he said, she said" situation.
- ▶ Insufficient Crown resources affect the quality of prosecutions because Crowns do not have enough time to review the evidence and prepare witnesses.
- ▶ There are insufficient Crown resources to meet with victims. According to Crowns, because they often cannot meet with the victim until later in the process, victims may not understand decisions made or feel that their views are considered, which affects their participation in the prosecution. Most Crowns believe that V/WAP has helped improve this situation by having early contact with victims and assisting them throughout the process.
- ▶ In one site, where victims are unlikely to testify or evidence is weak some Crowns have opted for peace bonds with a condition to attend PAR. Several benefits of this approach were explained: less serious offences – pushing, shoving, etc. result in assault charges and are perceived by the courts as "trivial" and often result in a dismissal with no conditions. The peace bond with a condition to attend PAR holds the accused

accountable by ensuring he receives counselling, but will not have a criminal record. Many victims prefer this intervention because they want their family back together and are not put in the position of having to recant.

Finally, some Crowns reported that they believe the judiciary is critical of the way Crowns exercise their prosecutorial discretion and think that Crowns are pursuing cases with no reasonable prospect of conviction. These Crowns believe that this perception has affected the judiciary's impression of the entire DVC Program.

4.3.3 Scheduling DVC cases

The DVC Program does not specify how sites are to schedule DV cases because court scheduling is under the control of the judiciary. The Program suggests that the volume of cases may dictate the type of DVC at a site. This can range from a dedicated DVC in high volume sites to assigning priority to DV cases or other methods in small sites.⁷¹

The six focus sites reveal a variety of approaches to scheduling DVC cases. The larger sites (College Park, Halton, and Newmarket) have at least one dedicated DVC day per week in at least one of the courts that serve their area, as does the mid-size site (Sault Ste. Marie). However, what is included in the dedicated DVC days varies between sites. For example, some include only trials, while other sites include other points in the process (set dates, pre-trials). The smaller sites each take different approaches. One (L'Orignal) assigns priority to DV cases so that they are scheduled before other matters, while the other has not made any changes in court scheduling as a result of the program (Owen Sound). The scheduling of DVC cases is described in more detail in Table 59.

Table 59: Scheduling DVC cases

Site	Description
College Park	There is one DVC that sits four days a week and handles DVC pre-trials and trials. This same court also handles EIP (or what they call Early Resolution Court) two days a month. In addition, the regular set date court reserves Wednesday and Friday afternoons for DV set dates and first appearances.
Halton	There is one DVC day per week in two of the three courthouses and one DVC every two weeks in the third courthouse. These designated days are for DV trials. Because of backlog in court, had to transfer other criminal matters into DVC. Are now starting to schedule DV cases on DVC days, but there continues to be a mix both of non-DV cases in DVC and of DV cases on other court days.
L'Orignal	There are no dedicated DVC days, but DV cases are given priority, meaning that they are usually scheduled before other matters for bail, pre-trial, and trial. There is one courtroom for criminal trials and pre-trials in L'Orignal.
Newmarket	One dedicated DVC day per week for set date court, which handles pleas, set dates, pre-trials, and bail variations. Because of backlog, on occasion non-DV matters have been moved to DVC.
Owen Sound	No dedicated DVC days. There is one courtroom for criminal trials and pre-trials in Owen Sound.
Sault Ste. Marie	Have one dedicated day per week for first appearances and trials in DV cases. If there are too many to handle on one day, either two judges handle the DV cases on the dedicated day or DV cases will be handled on two days in that week.

Source: Stakeholder interviews

⁷¹

One potential benefit of the DVC Program was intended to be the reduction in the backlog of DV cases. Most stakeholders believe that the DVC Program has not affected the backlogs in the court, except for stakeholders at one of the larger sites who said that their court does not have a backlog. Stakeholders gave primarily three reasons for the failure of the DVC Program to address the backlog. First, EIP takes longer and contributes to delays: bail court hearings now take longer because of bail variations to enter EIP, and EIP as part of bail requires the additional court appearance for the conditional discharge. Second, there is a lack of incentive for accused to enter EIP because courts often give similar sentences regardless of whether there has been a plea of guilt or a finding of guilty following a trial. Third, domestic violence cases often do not receive priority in scheduling and are included on dockets with other cases for at least some part of the criminal justice process (e.g., bail hearings, trials), so delays in domestic violence cases remain an issue.

4.3.4 Early intervention program

As described in Section 2.1, the DVC Program has two streams: EIP and CP. Under EIP, Crowns first screen the case for whether it meets specific criteria: the accused must not have any prior domestic violence-related convictions, must not have caused significant harm to the victim, and must not have used any weapons in the commission of the offence. The rationale behind EIP is to fast-track cases in which the parties are willing to seek assistance and to enable abusive partners to receive appropriate intervention while they are motivated to change. Under EIP, the accused enters an early plea of guilt and is ordered to attend the PAR program. As originally devised, the accused pleaded guilty and had attendance at the PAR program added to his or her bail conditions. The matter would be adjourned and the offender would reappear after completion or earlier if he or she failed to attend. He or she would be given a conditional discharge for successful completion of the PAR program.

For four of the jurisdictions visited, the EIP works fairly closely to what was envisioned: accused who are eligible for EIP plead guilty and the Crown recommends that they attend PAR as part of bail conditions. If the judge accepts this recommendation, the bail conditions are varied to include a requirement to attend PAR and the matter is adjourned for about five months to allow the offender time to complete PAR. If the offender completes the PAR program to the satisfaction of the judge, he or she is usually given a conditional discharge and probation (although two sites reported that absolute discharges are sometimes given and another that peace bonds with PAR are sometimes used).

Two jurisdictions took different approaches. The usual EIP approach was not used because there was the perception that it was slowing down the criminal justice process and causing too many appearances due to the need for a bail variation and then another appearance to receive the discharge. These sites include the order to attend PAR in the probation order rather than as part of bail conditions. At one site, the usual sentence is a conditional discharge with 12 months probation, and the other site reported that while conditional discharge is the usual disposition, the courts will sometimes give a peace bond with proof of completion of PAR. One jurisdiction's stakeholders were content with this approach and largely likened it to EIP and characterized it as achieving the same end, just in a different order (at the probation rather than the bail stage). However, some stakeholders in this site noted that the courts often prefer to order PAR in cases that have gone to trial, which means that the hoped-for effect of early intervention is lost. The

other jurisdiction's stakeholders expressed only frustration. They felt that the accountability piece of EIP was missing: offenders do not have to report to court to receive the conditional discharge, and in cases where probation expires before PAR is completed, there is no follow-up, even by a probation officer. Crown policy recognizes both forms of EIP (through bail and probation).

Sites were divided about the effectiveness of EIP. Stakeholders in three sites generally did not find that EIP is operating as intended; in two sites, stakeholders reported that EIP is operating well; and in one site, stakeholders are divided. Generally, the differences of opinion are more site-specific and do not reflect differences of opinion based on stakeholder group.

Stakeholders who are supportive of the program see merit in having the EIP because it gives offenders the opportunity to express remorse, be accountable, and take steps toward resolving their problems early in the process. Another benefit is that the EIP helps families to stay together, as it allows the offender and victim to have contact while the offender seeks help for the abuse. In addition, EIP (like any guilty plea) means that the victim does not have to testify at trial.

Stakeholders (both justice and community partners) raised a number of different concerns about the operation of the DVC Program and EIP.

- ▶ Stakeholders in four sites believe that the judiciary is not supportive of the DVC Program and EIP. According to several stakeholders, there continues to be a perception that the judiciary is lenient toward domestic violence offenders because courts often give similar (or even lesser) sentences regardless of whether there has been a plea of guilt or a finding of guilt following a trial. For this reason, in three of the sites, there was the perception that defence lawyers actively counsel their clients against accepting EIP. Some stakeholders also believe that some judges do not appreciate the rationale for EIP and therefore do not consistently apply the underlying principles in sentencing. For example, Crowns cited cases where members of the judiciary were not aware of the principles upon which the PAR program is based or did not take into consideration the aggravating nature of the failure of the offender to successfully complete the PAR program. Furthermore, stakeholders believe that judges often consider EIP cases as "low-level". This perception arose in circumstances where some judges invited offenders to enter a peace bond following the completion of PAR, rather than a conditional discharge with probation. Stakeholders believe that all of these scenarios undermine the objectives of EIP.
- ▶ Several stakeholders across the sites questioned the EIP criteria, noting that the accused in EIP cases are often only first-time offenders in the eyes of the criminal justice system and have, in fact, been committing acts of violence against their intimate partner for years, while avoiding conviction. These stakeholders believe that risk to the victim is an important factor that is not adequately considered. A few stakeholders theorized that these offenders know how to manipulate the system and may delay the case long enough to cause the victim to recant or they will take their chances in court, possibly resulting in a lesser sentence, compared to some true first-time offenders, who will quickly admit guilt, enter EIP, and end up with a conditional discharge and a conviction.

- ▶ Some stakeholders pointed out that offenders must see the need for change in order for the PAR program to be effective. EIP may encourage some offenders who do not truly feel remorse and accept guilt to enter the PAR program because they want life to “return to normal.” In these cases, offenders carry negative attitudes into the PAR group.
- ▶ Finally, some stakeholders suggested that the program needs more flexibility. They suggested that Crown should use more discretion in applying the criteria for EIP eligibility and proposed more options in sentencing, such as absolute discharges or peace bonds, as an incentive for accused to enter EIP. However, about as many stakeholders also noted the need for more consistency with some commenting that EIP offenders with different sentences affect the dynamic of PAR groups.

4.3.5 Partner Assault Response (PAR) program

Operation of PAR program

The PAR program is a 16-week group counselling/educational intervention programs for partner abusers, that seeks to cause them to examine beliefs and attitudes they have used to justify abuse, learn non-abusive ways of resolving conflict, and develop relationship expectations based on respect, autonomy and equality. A discussion of the partner contact component of the PAR program is in Section 4.2.2.

Under the DVC Program, offenders can be ordered into the PAR program in several ways.

- ▶ As part of the EIP, offenders can enter PAR through either bail or probation. With bail, the offender pleads guilty and has his or her bail conditions varied to include completion of the PAR program. Upon successful completion of PAR, the offender attends court for sentencing and typically receives a conditional discharge. With probation, the offender pleads guilty and is sentenced with PAR included as a condition of probation.
- ▶ As part of CP, offenders who are not EIP eligible can still be ordered into the PAR program as part of either a guilty plea or a conviction after trial. In these cases, offenders also receive PAR as a condition of probation, but this probation can follow incarceration or a suspended sentence.

Table 60 describes the PAR programs in the six focus sites.

Table 60: PAR program	
Site	Description
College Park	<p>PAR is a 16-week session.</p> <p>Eleven different PAR agencies serve the Toronto area. Programs offer different time slots and are found in various locations throughout the city. Programs in several languages are available and some are adapted to specific cultures.</p> <p>There can be delays in getting the offender into one of the men's groups that meet their location and scheduling needs. There are also some delays for new clients because offenders repeating the PAR program are given priority as are EIP clients over probation due to the time sensitive nature of EIP (the return court date is scheduled about 20 weeks after the plea is entered).</p> <p>There are wait times for some programs offered in different languages and some languages are accommodated only by an interpreter. Interpreters are limited to two per group. A French-language PAR program is offered.</p> <p>The same-sex group is a closed group, and there can be several months' wait to access. A women's group is also offered.</p>
Halton	<p>PAR is a 16-week session.</p> <p>For men, they offer open groups that can be joined every fifth week. At any given time, they are running two groups for men. For two-thirds of the year, they run a group in the northern region.</p> <p>For women, they offer one group a year, which means that women have to wait to enter the program – sometimes up to 30 or 40 weeks.</p>
L'Orignal	<p>PAR is a 16-week session.</p> <p>For men, they offer open groups that run continuously and can be joined at any time. No waiting lists.</p> <p>They recently have begun to have groups for women and anglophones, but due to low numbers, these groups do not run continuously and there is a wait.</p>
Newmarket	<p>PAR is a 16-week session.</p> <p>For men, they have open groups that men can join at any time. They run five groups for men at any one time. They also run a closed group once a year in a northern community, which means there is a wait to enter the program there.</p> <p>For women and same sex-couples, they offer individual counselling at two sites in Richmond Hill and Newmarket.</p>
Owen Sound	<p>The Men's Program offers PAR as a 16-week counselling session. They offer a three-week educational component that men can enter before the first court appearance and before starting the counselling session.</p> <p>For men, they offer open groups that run continuously and can be joined at any time. There sometimes are waiting lists.</p> <p>No PAR sessions are offered for women or same-sex partners in the jurisdiction. Instead they can attend an eight-week anger management course not associated with the PAR program.</p>
Sault Ste. Marie	<p>PAR is a 16-week session.</p> <p>For men, they currently offer four groups at any given time. There have been long waiting lists, and the number of groups has increased to try to handle the demand.</p> <p>No PAR sessions are offered in French, but they have yet to receive a request for services in French.</p> <p>No PAR sessions are offered for women or same-sex partners. Instead, they can attend an anger management course not associated with the PAR program.</p>
Source: Stakeholder interviews	

Use of PAR program by courts

Note on reporting in this section: This section relies on two sources of data: DOVES and ASRS. While DOVES captures some information on the use of the PAR program in the court system, the ASRS database used by the PAR programs provides more detailed information on program activities. The ability to determine information on the PAR program from the file review was limited as completion reports were not included in most files.

As noted in the methodology section, the PAR program keeps monthly records of certain key statistics for their EIP and CP clients in the ASRS database. Because the monthly records are based on activities for the month and not on individual client-level data, the information only allows for estimates.

The results from both data sources show that most offenders are ordered into the PAR program through probation and that a minority of offenders are ordered into PAR as part of bail.

Offenders ordered into PAR as part of bail

This section considers offenders who were ordered into PAR as part of bail and are, therefore, all EIP participants. Overall, few offenders (4%) were ordered into the PAR program as part of their bail conditions (Table 61). For a discussion of the percentage of EIP-eligible offenders who entered EIP through bail or probation, please see Section 4.4.1.

Table 61: Offenders ordered into PAR as part of bail (N=9,600)*					
Region	N	PAR ordered			
		Yes		No	
		n	%	n	%
Province	9,600	391	4%	9,209	96%
East	2,154	49	2%	2,105	98%
Central	1,146	137	12%	1,009	88%
Central-West	2,379	35	1%	2,344	99%
Toronto	778	53	7%	725	93%
North	549	16	3%	533	97%
West	2,594	101	4%	2,493	96%
Source: DOVES					
Base: Cases where offender was not detained at the bail stage.					

The proportion of offenders ordered into PAR as part of bail has remained stable over the past two fiscal periods at 4%. The CLD is reviewing the reasons for these results. See Table 62.

Table 62: Offenders ordered into PAR as part of bail by fiscal period (N=9,600)					
Fiscal period*	N	PAR ordered			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	5,223	219	4%	5,004	96%
Apr 2004 - Mar 2005	4,006	170	4%	3,836	96%
Mar 2004 and prior	371	2	1%	369	99%
Source: DOVES					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

In the file review, the results were similar. Four percent of DVC cases (22 of 601) were ordered into the PAR program as part of a bail condition.

Offenders entered PAR as part of probation

This section considers offenders entering PAR as part of probation and, therefore, while most of these offenders will be in CP, some may be in the EIP as some jurisdictions use probation orders rather than bail for EIP.

As Table 63 shows, 36% of accused who received probation were ordered into the PAR program as a condition of their probation. Among regions, there was considerable variation in the proportion of accused who were ordered into the PAR program, ranging from 56% in Toronto to 31% in the East and West regions.

Table 63: PAR ordered as part of probation (N=6,750)					
Region	N	PAR ordered			
		Yes		No	
		n	%	n	%
Province	6,750	2,461	36%	4,289	64%
East	1,518	475	31%	1,043	69%
Central	918	391	43%	527	57%
Central-West	1,495	523	35%	972	65%
Toronto	490	273	56%	217	44%
North	494	229	46%	265	54%
West	1,835	570	31%	1,265	69%
Source: DOVES					
Base: Cases where probation ordered					
Note: Rows may not sum to 100% due to rounding.					

The proportion of accused who pleaded or were found guilty and were ordered into the PAR program has increased over fiscal periods from 32% in fiscal year 2004-05 to 41% in April to December 2005. See Table 64.

Table 64: PAR ordered as part of probation by fiscal period (N=6,750)					
Fiscal period*	N	PAR ordered			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	3,801	1,555	41%	2,246	59%
Apr 2004 - Mar 2005	2,695	860	32%	1,835	68%
Mar 2004 and prior	254	46	18%	208	82%
Source: DOVES					
Base: Cases where probation was ordered					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

In the file review, results showed that in cases where probation was ordered, just under half (47% or n=149 out of 316) had PAR ordered as a condition of probation.

Referrals to PAR (ASRS)

ASRS does not track referrals to PAR by whether they are through bail or probation but instead divides referrals into whether the offender is entering from EIP or CP. Based on the ASRS data, overall, 76% of PAR referrals are from CP compared to 22% from EIP. The remaining referrals tracked in ASRS are from peace bonds (1%) and courts in other jurisdictions (2%) and are outside the DVC Program. As shown in Table 65, over time, this proportion of just over three CP referrals compared to every one EIP referral has remained fairly steady (except for 2003-04 when CP referrals outnumbered EIP referrals by just over four to one).

Table 65: Referrals to PAR by fiscal period

Fiscal period*	N	Referral source							
		CP		EIP		Peace bond		Courts in other jurisdiction	
		N	%	N	%	N	%	N	%
Total (Apr 2002 - Dec 2005)	33,458	25,286	76%	7,197	22%	328	1%	647	2%
Apr 2005 - Dec 2005	6,964	5,092	73%	1,633	23%	93	1%	146	2%
Apr 2004 - Mar 2005	9,245	6,872	74%	2,100	23%	81	1%	192	2%
Apr 2003 - Mar 2004	9,086	7,134	79%	1,720	19%	76	1%	156	2%
Apr 2002 - Mar 2003	8,163	6,188	76%	1,744	21%	78	1%	153	2%

Source: ASRS

Note: Only CP and EIP referral sources are part of the DVC Program.

Row totals may not sum to 100% due to rounding.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Comparing referrals from CP and EIP on the basis of gender shows that male offenders are far more likely than female offenders to be referred through CP: 80% of male offenders are referred to PAR through CP compared to 49% of female offenders. Table 66 provides complete results.

Table 66: Referrals to PAR through CP and EIP by gender and fiscal period

Fiscal period*	Males					Females				
	N	CP		EIP		N	CP		EIP	
		N	%	N	%		N	%	N	%
Total (Apr 2002 - Dec 2005)	30,427	24,274	80%	6,153	20%	2,056	1,012	49%	1,044	51%
Apr 2005 - Dec 2005	6,184	4,810	78%	1,374	22%	541	282	52%	259	48%
Apr 2004 - Mar 2005	8,381	6,614	79%	1,767	21%	591	258	44%	333	56%
Apr 2003 - Mar 2004	8,338	6,861	82%	1,477	18%	516	273	53%	243	47%
Apr 2002 - Mar 2003	7,524	5,989	80%	1,535	20%	408	199	49%	209	51%

Source: ASRS

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Completion of PAR program by offenders

According to ASRS data, almost all offenders referred to the PAR program and admitted after intake at least started the program. As shown in Table 67, the proportion of offenders who started the PAR program rose slightly across fiscal periods.

Table 67: Participants in PAR program

Fiscal period*	N	Offender started PAR		Offender failed to begin PAR	
		N	%	N	%
Total (Apr 2002 - Dec 2005)	28,459	25,757	91%	2,702	9%
Apr 2005 - Dec 2005	5,829	5,308	91%	521	9%
Apr 2004 - Mar 2005	8,581	7,839	91%	742	9%
Apr 2003 - Mar 2004	7,886	7,129	90%	757	10%
Apr 2002 - Mar 2003	6,163	5,481	89%	682	11%

Source: ASRS

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Among offenders with PAR program outcome data:

- ▶ About three-quarters (74%) completed the program.
- ▶ Slightly more than one-fifth (22%) were discharged from the program for failing to comply with program rules. Failing to comply with program rules included being disruptive during sessions, missing too many sessions, or re-offending.
- ▶ Few left the program due to illness, employment, scheduling, or because they moved.
- ▶ Although the number of offenders referred to the PAR program has increased slightly across fiscal years (as noted in Table 62), the proportion discharged from the program has also increased.

See Table 68 for results.

Table 68: PAR program outcome by fiscal period

Fiscal period*	N	Completed		Discharged		Left	
		N	%	N	%	N	%
Total (Apr 2002 - Dec 2005)	25,177	18,691	74%	5,489	22%	997	4%
Apr 2005 - Dec 2005	5,558	4,057	73%	1,265	23%	236	4%
Apr 2004 - Mar 2005	7,529	5,602	74%	1,651	22%	276	4%
Apr 2003 - Mar 2004	6,713	4,957	74%	1,496	22%	260	4%
Apr 2002 - Mar 2003	5,377	4,075	76%	1,077	20%	225	4%

Source: ASRS

Base: ASRS cases with outcome data

Note: Rows may not sum to 100% due to rounding.

Caution: Please note that the total N size is not equal to the number of offenders who started the PAR program.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Based on the ASRS data, EIP offenders appear to have more success in the PAR program than do CP offenders. As shown in Table 69:

- ▶ A higher proportion of offenders who entered the PAR program as part of EIP completed the program than did offenders who entered as part of CP (88% compared to 70%).
- ▶ Across fiscal periods, the proportion of offenders who entered the PAR program as part of EIP and completed it has been stable.
- ▶ The proportion of offenders who entered the PAR program as part of CP and completed it has decreased across fiscal periods.

Table 69: PAR program outcome for CP and EIP clients by fiscal period

Fiscal period*	CP					EIP				
	N	Completed		Discharged/ left		N	Completed		Discharged/ left	
		N	%	N	%		N	%	N	%
Total (Apr 2002 - Dec 2005)	19,196	13,451	70%	5,745	30%	5,981	5,240	88%	741	12%
Apr 2005 - Dec 2005	4,200	2,869	68%	1,331	32%	1,358	1,188	87%	170	13%
Apr 2004 - Mar 2005	5,841	4,112	70%	1,729	30%	1,688	1,490	88%	198	12%
Apr 2003 - Mar 2004	5,306	3,716	70%	1,590	30%	1,407	1,241	88%	166	12%
Apr 2002 - Mar 2003	3,849	2,754	72%	1,095	28%	1,528	1,321	86%	207	14%

Source: ASRS

Base: ASRS cases with outcome data.

Caution: Please note that the total N size is not equal to the number of offenders who started the PAR program.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

The ASRS data show that female participants in PAR are more likely to complete the program than male participants are (84% compared to 74%). See Table 70 for complete results.

Table 70: PAR program outcome for males and females by fiscal period (ASRS)

Fiscal period*	Males					Females				
	N	Completed		Discharged/ left		N	Completed		Discharged/ left	
		N	%	N	%		N	%	N	%
Total (Apr 2002 - Dec 2005)	23,822	17,548	74%	6,274	26%	1,355	1,143	84%	212	16%
Apr 2005 - Dec 2005	5,191	3,752	72%	1,439	28%	367	305	83%	62	17%
Apr 2004 - Mar 2005	7,084	5,222	74%	1,862	26%	445	380	85%	65	15%
Apr 2003 - Mar 2004	6,430	4,733	74%	1,697	26%	283	224	79%	59	21%
Apr 2002 - Mar 2003	5,117	3,841	75%	1,276	25%	260	234	90%	26	10%

Source: ASRS

Base: ASRS cases with outcome data.

Caution: Please note that the total N size is not equal to the number of offenders who started the PAR program.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Issues with PAR program

Stakeholders offered several comments on implementation challenges and gaps within the PAR program.

- ▶ **Transportation.** Most of the sites mentioned transportation as a barrier to attending the PAR program.
- ▶ **Services for women and same-sex partners.** Most sites noted either waiting periods or the lack of groups for women and same-sex partners. Some stakeholders commented that female offenders have different needs and issues from male offenders in large part because they are often also victims of domestic violence. Because the PAR program is designed for male offenders, PAR staff who run groups for women try to adapt it as best they can, but some wish that the program had more flexibility and did not expect them to cover the same major themes regardless of the gender of the offender. These stakeholders also noted that because female offenders are often also victims, the partner contact component of the PAR program can put the female offender at risk. Sites that do not offer PAR groups for women use other methods, such as referring women to anger management groups or other counselling programs, but some stakeholders questioned the quality of these other programs. Stakeholders also pointed to the need for child care for women's groups.
- ▶ **Maintaining referrals.** Several sites have experienced difficulties with maintaining, or ever achieving, their expected referral numbers. They gave several theories for this difficulty: courts do not like EIP because of the amount of time it requires them to keep a case "open" until they can give the conditional discharge; the courts do not support the concept of EIP and the PAR program; fewer men are willing to plead guilty and enter the PAR program because the likelihood of conviction after trial is so low; and there are difficulties getting probation officers to refer to the PAR program when probation orders simply require that the offender attend counselling.

- ▶ **Judicial attitudes.** Three sites mentioned difficulties with the courts. In addition to the attitudes noted above under difficulties for maintaining referrals, one site indicated that some judges characterize the PAR program as intrusive and that this has discouraged men from entering the program. Another site indicated that judges do not always accept the opinion of staff on whether the offender participated in a meaningful way and will not always take the opinion into consideration in sentencing.
- ▶ **Funding formula.** The small sites noted that the funding formula that sets a target maximum based on 15 people per group creates difficulties for them. For both small sites, the target numbers were not reached, and at least one site reads the funding formula to require 15 people per group. This site commented that it faced a “catch-22” situation where it is supposed to minimize waiting periods (which essentially requires a group being offered continuously) but at the same time have at least 15 people per group. The other small site moved to open groups so that this was not an issue.
- ▶ **Format.** Some sites would like to see more flexibility in the format for counselling: they would like aftercare, more long-term counselling, and the ability to provide one-on-one counselling, particularly for individuals with issues such as learning disabilities or mental health concerns that make group work difficult.
- ▶ **Reporting on successful completion of the PAR Program.** In one of the larger sites, some stakeholders noted the unreliability of PAR completion reports because of the inconsistencies in reporting between agencies. According to a few stakeholders, the completion reports have little meaning, because there is no real understanding of what the assessment is based on. In addition, the assessments do not necessarily capture factors such as the influence of group dynamics on different individuals and personal differences in how material is integrated. Stakeholders highlighted the need for a systematic assessment process.
- ▶ **Aboriginal component.** Of the three sites visited that had a moderate or high Aboriginal population, only one offered a specialized PAR program for Aboriginal offenders. Stakeholders who serve this population, as well as several PAR staff, identified this as a major gap in services because the PAR program does not address the cultural differences of Aboriginal and Métis people. A few stakeholders suggested that the PAR program incorporate aspects of traditional Aboriginal culture, such as healing circles and sweat lodges, and hire Aboriginal and Métis staff so that offenders and victims will trust the system to meet their needs. They also suggested that the DVC Program fund self-referrals, as that promotes the Aboriginal concept of self-healing.
- ▶ **Cultural differences.** Some of the larger sites pointed out that a cultural component is also lacking for people from other cultures. Several stakeholders thought that the PAR program would benefit from offering more culturally specific groups or programming. However, as one stakeholder pointed out, the logistics would be difficult; as an example, this stakeholder noted that they have had PAR groups where 13 different cultures were represented.

- ▶ **Relationship with probation.** PAR staff in a few sites raised some concerns with the relationship between probation and PAR. Staff mentioned that probation officers do not refer to them as often as they would like, particularly when the court orders refer only to counselling. Others noted issues with information-sharing. Necessary documents, such as police summaries, are not always shared with the PAR program. A few also mentioned that they are not always notified by probation of PAR clients who breach their conditions or re-offend. According to the PAR staff, this information is important for both their counselling and partner contact responsibilities, and, in the case of re-offending, PAR needs to know because they are supposed to suspend these offenders from the program and the offender can only return on a new referral.
- ▶ **Assessing suitability for PAR.** At one of the larger sites, a few stakeholders believe that a better assessment of client suitability for PAR should be done at the court stage. According to these stakeholders, many offenders get ordered into the program, but the intake interview quickly reveals that they continue to deny their guilt. As such, they do not participate or simply do not show up for the sessions. When these cases are brought back to court for non-compliance, the case is generally dismissed.

Attitudinal change in PAR program participants

As described in the methodology, Section 3.9, this evaluation incorporates results from a recent evaluation of the PAR program that considered attitudinal change among PAR clients who completed the program based on self-reports, partner reports, and counsellors' judgements.⁷² The following are the key findings from the report based on the objectives of the PAR program.

Changing men's attitudes toward violence

- ▶ Comparing men's self-reported attitudes pre- and post-intervention showed improvements in three attitudes related to excusing their own behaviour: disavowal of responsibility, blaming their partner, and denial.
- ▶ The men were better able to recognize thoughts that support abuse.
- ▶ The study did not show a difference in men's attitudes or changes in attitudes between pre- and post-intervention based on referral source (CP or EIP).
- ▶ Men's self-reported attitudes on the intervention (or readiness for intervention) increased substantially after the intervention ended.

⁷² Scott, Katreena. (2006). Attitudinal change in participants of Partner Assault Response (PAR) programs: Phase II.

Providing support and referral to women

- ▶ Just over half (51%) of women partners were contacted by the PAR program. This ranged from 65% in some sites to 25% or 30% in others. The most common reasons for failure to contact women were an inability to reach them after numerous attempts and lack of contact information. PAR staff noted that information sharing among agencies with contact information for victims is a challenge.
- ▶ According to the study, women have different needs for PAR program partner contact staff to consider. For example, some (between 15-20%) felt unsafe at the time that their partner entered the program, but most felt at least somewhat safe, which means that for many victims, a safety plan may not be a high priority.

Participating in a larger system of promoting change in men's abusive behaviour

- ▶ Of the men who consented initially to participate in the study, 28% did not complete the PAR program. Men who were referred through EIP were more likely to finish as only 10% dropped out compared to 31% of CP clients. For 60% of the men, the reasons they did not complete the program were known: most either experienced an insurmountable conflict between the program and work or had become involved again with the courts.
- ▶ In comparing counsellors' judgements on men's attitude shifts with men's self-reported attitudes, relationships were moderate to slight.

4.3.6 Disposition of cases

This section considers results first on case disposition from DOVES and then from the file review. It concludes with a comparison of these results to other sources for dispositions, such as ICON and Juristat (see discussion in the methodology, Section 3.9).

DOVES results

All cases. DOVES asks Crown to record the disposition of the case based on the most serious offence. Results show that provincially:

- ▶ The majority of cases resulted in a finding of guilt by either a guilty plea (61%) or a plea of not guilty with a later finding of guilt (5%).
- ▶ One-tenth (10%) of accused were found not guilty on all charges.
- ▶ Almost one-quarter (23%) of accused had all their charges withdrawn.⁷³

Dispositions varied by region. Guilty pleas ranged from 71% in the North region to 51% in Toronto. This difference may be partly explained by the prevalence of other disposition types; for example, Toronto had one of the highest proportions of withdrawn cases at 26%. Toronto

⁷³ DOVES does not track reasons for withdrawal. Under Crown guidelines, Crowns are required to review all criminal cases for whether there is a reasonable prospect of conviction, and cases where the evidence does not support a reasonable prospect of conviction should be withdrawn.

also had the highest proportion of cases in which the accused was found not guilty. See Table 71 for complete results.

Table 71: Dispositions (N=12,154)

Region	N	Disposition									
		Plead guilty		Plead not guilty, found guilty		Not guilty on all charges*		Stayed		All charges withdrawn	
		n	%	n	%	n	%	n	%	n	%
Province	12,154	7,403	61%	614	5%	1,203	10%	159	1%	2,775	23%
East	2,675	1,698	63%	160	6%	302	11%	76	3%	439	16%
Central	1,451	922	64%	77	5%	109	8%	21	1%	322	22%
Central-West	2,856	1,589	56%	98	3%	234	8%	40	1%	895	31%
Toronto	989	505	51%	54	5%	176	18%	1	<1%	253	26%
North	776	548	71%	34	4%	42	5%	6	1%	146	19%
West	3,407	2,141	63%	191	6%	340	10%	15	<1%	720	21%

Source: DOVES

Note: Row totals may sum to more than 100% due to rounding.

Six cases (two Central, two West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

* According to the DOVES interpretation guide (see Appendix G), the disposition section is to be completed based on the most serious charge.

However, the DOVES form specifies "found not guilty all charges."

For the most part, dispositions were consistent across fiscal periods. See Table 72 for results.

Table 72: Dispositions by fiscal period (N=12,154)

Fiscal period*	N	Disposition									
		Plead guilty		Plead not guilty, found guilty		Not guilty on all charges**		Stayed		All charges withdrawn	
		n	%	n	%	n	%	n	%	n	%
Apr 2005 - Dec 2005	6,709	4,232	63%	293	4%	576	9%	76	1%	1,532	23%
Apr 2004 - Mar 2005	4,944	2,855	58%	306	6%	564	11%	70	1%	1,149	23%
Mar 2004 and prior	501	316	63%	15	3%	63	13%	13	3%	94	19%

Source: DOVES

Note: Row totals may sum to more than 100% due to rounding.

Six cases (two Central, two West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

* Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

** According to the DOVES interpretation guide (see Appendix G), the disposition section is to be completed based on the most serious charge. However, the DOVES form specifies "found not guilty all charges."

Some dispositions differed by gender: Male accused were more likely than female accused to plead guilty (63% of males compared to 45% of females), and twice the proportion of accused females had their cases withdrawn (41% compared to 20% of males). See Table 73.

Table 73: Dispositions by gender (N=12,154)

Accused gender	N	Disposition									
		Plead guilty		Plead not guilty, found guilty		Not guilty on all charges*		Stayed		Withdrawn	
		n	%	n	%	n	%	n	%	n	%
Male	10,691	6,747	63%	562	5%	1,065	10%	135	1%	2,182	20%
Female	1,463	656	45%	52	4%	138	9%	24	2%	593	41%

Source: DOVES

Note: Row totals may sum to more than 100% due to rounding.

Six cases (two Central, two West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

* According to the DOVES interpretation guide (see Appendix G), the disposition section is to be completed based on the most serious charge. However, the DOVES form specifies "found not guilty all charges."



In cases where all charges are withdrawn, the court will sometimes seek to provide some restrictions on the accused through the imposition of a peace bond. As shown in Table 74, more than half (53%) of cases in which all charges were withdrawn had a peace bond issued, although there was considerable difference in the proportion of withdrawn cases with peace bonds ranging from 74% in the North region to 42% in the East region.

Table 74: Withdrawn cases by peace bonds (N=2,775)					
Region	N	All charges withdrawn			
		Peace bond		No peace bond	
		n	%	n	%
Province	2,775	1,471	53%	1,304	47%
East	439	184	42%	255	58%
Central	322	226	70%	96	30%
Central-West	895	438	49%	457	51%
Toronto	253	145	57%	108	43%
North	146	108	74%	38	26%
West	720	370	51%	350	49%
Source: DOVES					
Base: Cases where all charges were withdrawn					

The proportion of cases withdrawn with a peace bond has remained stable the last two years. See Table 75.

Table 75: Withdrawn cases by fiscal period (N=2,775)					
Fiscal period*	N	Charges withdrawn			
		Peace bond		No peace bond	
		n	%	N	%
Apr 2005 - Dec 2005	1,532	839	55%	693	45%
Apr 2004 - Mar 2005	1,149	600	52%	549	48%
Mar 2004 and prior	94	32	34%	62	66%
Source: DOVES					
Base: Cases where all charges were withdrawn					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

Gender differences also appear with the ordering of peace bonds. When cases were withdrawn, a higher proportion of females than males were given a peace bond. See Table 76.

Table 76: Withdrawn cases by gender (N=2,775)					
Accused gender	N	Charges withdrawn			
		Peace bond		No peace bond	
		n	%	n	%
Male	2,182	1,109	51%	1,073	49%
Female	593	362	61%	231	39%
Source: DOVES					
Base: Cases where all charges were withdrawn					

By whether case went to trial. Sixteen percent of the cases in DOVES (n=1,936 out of 12,160) resulted in a trial, and of these cases, 1,931 had a disposition recorded for the most serious charge. Of those cases, 62% ended with a finding of not guilty, 32% ended with a finding of guilty, and 6% were stayed (Table 77). The regional results varied, with the Toronto region having the smallest percentage of trials ending in a finding of guilt (23%) and the North region having the most (44%).

Table 77: Dispositions in cases that went to trial (N=1,931)

Region	N	Plead not guilty, found guilty		Not guilty		Stayed	
		n	%	n	%	n	%
Province	1,931	614	32%	1203	62%	114	6%
East	508	160	31%	302	59%	46	9%
Central	204	77	37%	109	53%	18	9%
Central-West	367	98	27%	234	64%	35	10%
Toronto	230	54	23%	176	77%	--	--
North	77	34	44%	42	55%	1	1%
West	545	191	35%	340	62%	14	3%

Source: DOVES

Base: Cases that went to trial

Note: Row totals may sum to more than 100% due to rounding.

Five cases that went to trial (two Central, one West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

The results for fiscal year 2004-05 and April to December 2005 are similar (see Table 78).

Table 78: Dispositions in cases that went to trial by fiscal period (N=1,931)

Fiscal period*	N	Plead not guilty, found guilty		Not guilty		Stayed	
		n	%	n	%	n	%
Apr 2005 - Dec 2005	928	293	32%	576	62%	59	6%
Apr 2004 - Mar 2005	918	306	33%	564	61%	48	5%
Mar 2004 and prior	85	15	18%	63	74%	7	8%

Source: DOVES

Base: Cases that went to trial

Note: Row totals may sum to more than 100% due to rounding.

Five cases that went to trial (two Central, one West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

By whether additional evidence gathered. DOVES results show noticeable differences in dispositions by whether the police collected additional evidence (see Table 79).

- ▶ Cases where police collected additional evidence were less likely to be withdrawn (20% compared to 29% where there was no additional evidence).
- ▶ Cases where police collected additional evidence were more likely to result in a finding of guilt through a guilty plea or at trial (69% compared to 61%).

Table 79: Police collected additional evidence by disposition (N=12,154)

Disposition	Police collected additional types of evidence					
	Additional evidence		No additional evidence		Not applicable*	
	N=8,057	%	N=3,954	%	N=144	%
Plead guilty	5,042	63%	2,286	58%	75	52%
Withdrawn	1,595	20%	1,129	29%	51	35%
Not guilty	841	10%	355	9%	7	5%
Plead not guilty, found guilty	474	6%	133	3%	7	5%
Stayed	105	1%	51	1%	3	2%

Source: DOVES

Note: Row totals may sum to more than 100% due to rounding.

Six cases (two Central, two West, one East, and one North) did not have a disposition and were not included in the table or calculation of percentages.

*Cases where no additional evidence was available.

File review results

While DOVES does not capture the types of charges laid, the file review captured that information. The differences between DVC cases and pre-DVC cases were minor. For both, the most common charges laid in cases were assault (72% of files), uttering threats (27% in DVC files and 33% in pre-DVC files), breach of probation (12% in DVC files and 18% in pre-DVC files), and criminal harassment (12% in DVC files and 11% in pre-DVC files). See Table 80 for complete results.

Table 80: Charges by number of cases with each charge

Types of charges	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
Assault	432	72%	100	72%
Uttering threats	161	27%	46	33%
Breach of probation	71	12%	25	18%
Criminal harassment	69	12%	15	11%
Assault with a weapon	63	11%	13	9%
Damage to property/mischief	53	9%	9	7%
Breach of undertaking	43	7%	17	12%
Assault causing bodily harm	35	6%	5	4%
Other	28	5%	9	7%
Forcible confinement	25	4%	4	3%
Break and enter/unlawfully in dwelling	21	4%	3	2%
Firearm offence	18	3%	5	4%
Failure to comply	14	2%	2	1%
Theft	12	2%	1	1%
Assaulting a peace officer	12	2%	1	1%
Sexual assault	8	1%	6	4%
Controlled drug and substance abuse act	8	1%	1	1%
Obstructing/resisting a peace officer	8	1%	1	1%
Failure to appear	7	1%	3	2%
Aggravated assault	6	1%	1	1%
Choking	6	1%	1	1%
Driving while disqualified/impaired	4	1%	1	1%
Breach of recognizance/peace bond breach	4	1%	5	4%
Harassing phone calls	3	1%	2	1%
Forcible entry	3	1%	2	1%
Contravening restraining order	2	<1%	--	--
Intimidation	2	<1%	--	--
Trespassing	2	<1%	1	1%
Attempted murder	1	<1%	--	--
Other	32	5%	11	8%

Source: File review
Note: Cases can have multiple charges. Column totals may sum to more than 100%.

For the file review, results for dispositions were recorded for each charge, instead of for only the most serious charge as in DOVES. The evaluation considered the file review disposition results in two ways: as a case (in order to make the results more comparable to DOVES and to Juristat data, discussed below) and by each charge (in order to make the results more comparable to ICON).

In order to assign a disposition to the case and make the results more comparable to DOVES, a priority was assigned to each disposition and the case was assigned a disposition based on where its charges fell in this priority: first, if the case had any charge where the result was plead not guilty, found guilty, the case was assigned that disposition; second, for the remaining cases, if the case had any charge where the result was plead guilty, found guilty, the case was assigned that disposition; third, for the remaining cases, if the case had any charge where the result was plead not guilty, found not guilty, the case was assigned that disposition; and fourth, if all charges withdrawn or if all charges stayed, the case received those dispositions.

Based on this “case disposition,” 58% of DVC cases resulted in either a guilty plea or a finding of guilt compared to 75% of pre-DVC cases. DVC files had a larger proportion where all charges were withdrawn (35% compared to 21% pre-DVC). See Table 81 for complete results.

Table 81: Disposition for each case				
Disposition	DVC cases (N=601)		Pre-DVC cases (N=139)	
	n	%	n	%
Plead guilty, found guilty	320	53%	88	63%
Plead not guilty, found guilty	26	4%	16	12%
Plead not guilty, found not guilty	29	5%	3	2%
Withdrawn	211	35%	29	21%
Stayed	13	2%	2	1%
Can't determine/No response	2	<1%	1	1%
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

About one-tenth (11% or n=69) of the DVC files went to trial and 16% (or n=22) of pre-DVC cases (Table 82). Of those cases, 38% resulted in findings of guilty in DVC cases compared to 76% in pre-DVC cases. Because of the small sample size, these results should be treated with caution.

Table 82: Disposition for cases that went to trial				
Disposition	DVC cases (N=69)		Pre-DVC cases (N=22)	
	n	%	n	%
Plead not guilty, found guilty	26	38%	16	73%
Plead not guilty, found not guilty	29	43%	3	14%
Stayed	13	19%	2	9%
Can't determine/No response	1	<1%	--	--
Source: File review				
Base: Cases that went to trial				
Note: Columns may not sum to 100% due to rounding.				

When considering the disposition for each charge, file review results show that in DVC cases, 40% of charges had a finding of guilt (plead guilty or plead not guilty, found guilty) compared to 52% of pre-DVC charges. In pre-DVC files, accused were less likely to have the charges withdrawn (40% of charges were withdrawn compared to 50% in DVC cases). See Table 83.

Table 83: Disposition by charges				
Disposition	DVC cases – Total number of charges (N=1,403)		Pre-DVC cases – Total number of charges (N=318)	
	n	%	n	%
Plead guilty, found guilty	524	37%	143	45%
Plead not guilty, found guilty	43	3%	21	7%
Plead not guilty, found not guilty	82	6%	13	4%
Withdrawn	700	50%	127	40%
Stayed	35	2%	6	2%
Can't determine/No response	19	1%	8	3%
Source: File review				
Note: Columns may not sum to 100% due to rounding.				

The conviction rates (plead guilty or found guilty) for the most frequently brought charges in the files reviewed are presented in Table 84. In DVC files, they range from 80% for assaulting a peace officer to 20% for a firearm offence. Conviction rates for the most common charges are:

- ▶ Forty-three percent for assault in DVC files compared to 56% in pre-DVC files.
- ▶ Thirty-five percent for uttering threats in DVC files compared to 48% in pre-DVC files.
- ▶ Forty-nine percent for breach of probation in DVC files compared to 55% in pre-DVC files.

Table 84: Conviction rate of most common/most serious charges						
Charges	DVC cases			Pre-DVC		
	Total number	Conviction		Total number	Conviction	
		#	%		#	%
Assault	533	227	43%	119	67	56%
Uttering threats	207	72	35%	58	28	48%
Breach of probation	144	70	49%	29	16	55%
Criminal harassment	82	35	43%	17	11	65%
Assault with a weapon	68	18	26%	13	6	46%
Damage to property/mischief	58	26	45%	10	3	30%
Breach of undertaking	50	19	38%	11	7	64%
Assault causing bodily harm	37	12	43%	6	5	83%
Theft	36	9	25%	1	1	100%
Forcible confinement	26	7	27%	4	--	0%
Firearm offence	25	5	20%	5	1	20%
Break and enter/unlawfully in dwelling	24	11	63%	3	2	67%
Assaulting a peace officer	15	12	80%	1	1	100%
Sexual assault	10	4	40%	8	3	38%
Failure to appear	9	5	56%	3	2	67%
Choking	9	5	56%	1	--	0%
Aggravated assault	8	4	50%	1	1	100%
Controlled drug and substance abuse act	8	3	38%	1	--	0%
Obstructing/resisting a peace officer	7	4	57%	1	1	100%
Source: File review						

Comparison of evaluation results to other sources

This section compares DOVES and file review results with information gathered by the Ontario Court of Justice in its ICON system as well as information compiled by the CCJS. As noted in the methodology section, there are several limitations in making these comparisons: first, CCJS data and ICON include all adult criminal offences including domestic violence-related cases; second, all of these sources use different units of measure and, therefore, are not strictly comparable; third, the time frames are different for each of the data sources used; and fourth, ICON only tracks cases in Ontario Court of Justice and not in the Superior Court of Justice; however, almost all domestic violence cases are decided in the Ontario Court of Justice. Differences in results could be due to the different time frames or the different measures used. They could also reflect longstanding differences between domestic violence cases when compared to all criminal cases and be unconnected to any effect of the DVC Program. Because of the lack of a reliable baseline, effects cannot be attributed to the DVC Program. However, the results presented below indicate that this is a fruitful area for further research.

CCJS uses a system of priority that is based on the most serious charge and is most similar to DOVES. For its “case disposition” measure (as opposed to individual charges), the file review uses a different method for attaching priority, so results between CCJS and DOVES should be more comparable. Table 85 presents the CCJS findings. Comparing these findings to those in DOVES and in the file review shows that:

- ▶ DVC cases are more likely to result in a finding of guilt when compared to the general category of criminal cases (66% in DOVES, 57% in the file review compared to 52% found by CCJS):
- ▶ A lower proportion of DVC cases have the most serious charge withdrawn or stayed as compared to the general category of criminal cases (24% in DOVES, 35% in the file review compared to 44% found by CCJS).

Table 85: Case dispositions in Ontario (April 2003 – March 2004)

Total cases	Withdrawn/ stay		Found guilty		Acquittal		Other	
	#	%	#	%	#	%	#	%
196,198	86,812	44%	102,178	52%	1,120	1%	6,088	3%

Source: Canadian Centre for Justice Statistics. (December 2004). *Juristat*. Vol. 24, no. 12.

Because ICON records the disposition for each charge, its results are more comparable to the file review than to DOVES.

- ▶ The proportion of charges with findings of guilty was higher in the file review of DVC cases than all adult criminal charges recorded in ICON (40% compared to 32% in ICON).
- ▶ A smaller proportion of charges in the file review of DVC cases were withdrawn or stayed than all adult criminal charges recorded in ICON (52% compared to 57% in ICON).

When comparing DVC cases in DOVES (disposition on most serious charge) to all adult criminal charges in ICON (disposition on all charges), the difference in the proportion of charges with a finding of guilt is even more pronounced (66% in DOVES compared to 32% in ICON) as is the proportion of charges withdrawn or stayed (24% in DOVES compared to 52% in ICON). Again, some of the difference in comparing DOVES to ICON could be due to the different measures used (most serious charge in DOVES and all charges in ICON).

See Table 86 for ICON results.

Table 86: Disposition of charges in ICON (April 2004 – March 2005)

Offence group	Charges disposed	Withdrawn/stayed		Dismissed		Plead guilty		Plead not guilty, found guilty		Other	
		#	%	#	%	#	%	#	%	#	%
Crimes against person	95,548	49,856	52%	5,662	6%	28,516	30%	2084	2%	9,430	10%
Crimes against property	121,301	72,013	59%	1,439	1%	39,600	33%	677	1%	7,572	6%
Administration of justice	100,891	51,186	51%	1,331	1%	38,941	39%	2,134	2%	7,299	7%
Total	317,740	173,055	54%	8,432	3%	107,057	34%	4,895	1%	24,301	8%

Source: ICON

This table presents offence groups that include charges most likely to be found in domestic violence cases.

Note: Row totals may not sum to 100% due to rounding.



4.3.7 Sentence types

Overall. DOVES collects information on the types of sentences offenders received for the most serious charge in domestic violence cases. Among domestic violence offenders who pleaded or were found guilty:⁷⁴ Offenders can receive more than one sentence type, such as incarceration and probation or conditional discharge and probation.

- ▶ The vast majority (84%) received probation.
- ▶ About half (49%) received a conditional discharge or a conditional sentence.⁷⁵ While these are two distinct types of sentences, they are combined in this table. The MAG advises that data entry errors led to a large number of conditional discharges being recorded erroneously as conditional sentences in DOVES. Upon further inquiry by the MAG, regional Crowns confirmed that conditional sentences are rare in domestic violence cases. Because of this confusion in data entry, these two sentence types have been combined.
- ▶ Less than half (43%) had a sentence with incarceration (either time to be or time served).

Table 87: Sentence types for offenders who plead or were found guilty (N=8,017)

Region	N	Sentence						
		Probation	Incarceration	Conditional discharge/sentence*	Fine	Suspended sentence	Absolute discharge	Sentence unknown
		%	%	%	%	%	%	%
Province	8,017	84%	43%	49%	7%	3%	2%	2%
East	1,858	82%	37%	50%	5%	5%	2%	5%
Central	999	92%	48%	50%	2%	2%	2%	1%
Central-West	1,687	89%	42%	51%	4%	1%	2%	3%
Toronto	559	88%	48%	59%	1%	6%	5%	3%
North	582	85%	41%	50%	5%	3%	3%	<1%
West	2,332	79%	47%	44%	14%	2%	2%	1%

Source: DOVES

Base: Cases where the offender plead guilty/was found guilty or plead not guilty/was found guilty

Note: Cases may have a combination of more than one sentence. Therefore, rows sum to more than 100%. Also, the structure of the table was changed in order to accommodate the numerous types of sentences contained in the DOVES database.

Sentence types are based on the sentence given the most serious charge.

*Due to data entry errors, conditional discharges and conditional sentences have been combined.

⁷⁴ Because this section includes only cases resolved by a plea of guilt or a conviction, the terminology shifts from accused to offender.

⁷⁵ A conditional sentence is a custodial sentence served in the community where the offender is supervised and must follow certain conditions set by the court or else risk going to prison. Usually it involves some sort of house arrest. A conditional discharge means that if the offender follows the conditions set out in the probation order, the offender is then given a discharge, which means that no criminal conviction is registered.



Across time. As shown in Table 88, sentencing has been consistent across fiscal periods, with almost identical sentencing results for 2004-05 and April to December 2005.

Table 88: Sentence types for offenders who plead or were found guilty by fiscal period (N=8,017)

Fiscal period*	N	Sentence						
		Probation	Incarceration	Conditional discharge/sentence**	Fine	Suspended sentence	Absolute discharge	Sentence unknown
		%	%	%	%	%	%	%
Apr 2005 - Dec 2005	4,525	84%	45%	49%	5%	3%	2%	2%
Apr 2004 - Mar 2005	3,161	85%	42%	50%	8%	2%	2%	2%
Mar 2004 and prior	331	77%	44%	40%	8%	3%	1%	8%

Source: DOVES

Base: Cases where the offender plead guilty/was found guilty or plead not guilty/was found guilty

Note: Cases may have a combination of more than one sentence. Therefore, rows sum to more than 100%. Also, the structure of the table was changed in order to accommodate the numerous types of sentence conditions contained in the DOVES database.

Sentence types are based on the sentence given the most serious charge.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

**Due to data entry errors, conditional discharges and conditional sentences have been combined.

By gender. While a similar proportion of males and females received probation as part of their sentence, other sentence types had noticeable differences by gender.

- ▶ **Incarcerations.** Almost half (46%) of male offenders were incarcerated compared to less than one-fifth (19%) of accused females.
- ▶ **Conditional discharges/sentence.** About two-thirds (63%) of females received a conditional discharge or conditional sentence compared to just under half (48%) of males.
- ▶ **Absolute discharges.** Two percent of male offenders were given an absolute discharge compared to 8% of female offenders.

See Table 89 for complete results.

Table 89: Sentence types for offenders who plead or were found guilty by gender (N=8,017)

Gender	N	Sentence						
		Probation	Incarceration	Conditional discharge/sentence*	Fine	Suspended sentence	Absolute discharge	Sentence unknown
		%	%	%	%	%	%	%
Male	7,309	84%	46%	48%	7%	3%	2%	2%
Female	708	82%	19%	63%	5%	4%	8%	4%

Source: DOVES

Base: Cases where the offender plead guilty/was found guilty or plead not guilty/was found guilty

Note: Cases may have a combination of more than one sentence. Therefore, rows sum to more than 100%. Also, the structure of the table was changed in order to accommodate the numerous types of sentence conditions contained in the DOVES database.

Sentence types are based on the sentence given the most serious charge.

*Due to data entry errors, conditional discharges and conditional sentences have been combined.

By whether entered EIP. Offenders who pleaded guilty or were found guilty and who entered EIP received different sentences than offenders who did not enter the program.

- ▶ The majority of offenders received **probation**, regardless of entrance into EIP.
- ▶ Just over three-quarters (77%) of offenders who entered EIP received a **conditional discharge or conditional sentence**, compared to less than half (46%) of those who did not enter EIP.
- ▶ Offenders who did not enter EIP were more likely to be **incarcerated** as 47% were incarcerated compared to 17% of offenders who entered EIP. Incarceration as a sentence includes time served.

See Table 90 for complete results by whether the offender entered EIP.

Table 90: Sentence type by entry into EIP for offenders who plead or were found guilty (N=8,017)				
Sentence	Entered EIP (N=906)		Did not enter EIP (N=7,111)	
	N	%	N	%
Probation	836	92%	5,914	83%
Conditional discharge/sentence*	698	77%	3,250	46%
Incarceration	153	17%	3,326	47%
Absolute discharge	54	6%	133	2%
Fine	25	3%	501	7%
Suspended sentence	16	2%	207	3%
Sentence unknown	11	1%	173	2%
Source: DOVES				
Base: Cases where the offender plead guilty/was found guilty or plead not guilty/was found guilty				
Note: Cases may have a combination of more than one sentence. Therefore, columns sum to more than 100%.				
Sentence types are based on the sentence given the most serious charge.				
*Due to data entry errors, conditional discharges and conditional sentences have been combined.				



File review results

File review results show that DVC and pre-DVC cases were equally likely to receive probation (91%). As shown in Table 91, the proportion receiving incarceration in addition to time served has increased with the DVC (43% compared to 36%). This result is consistent with the findings from the recidivism study discussed in Section 4.2.3.

Table 91: Sentence types				
	DVC cases (N=346)		Pre-DVC cases (N=104)	
	n	%	n	%
Probation	316	91%	95	91%
Incarceration time served	150	43%	37	36%
Incarceration in addition to time served	113	33%	28	27%
Suspended sentence	84	24%	29	28%
Conditional discharge	80	23%	15	14%
Fine	26	8%	16	15%
Conditional sentence	18	5%	2	2%
Absolute discharge	12	4%	1	1%
Restitution	13	4%	6	6%
Donation	15	4%	6	6%
Community service	10	3%	5	5%
Other	5	1%	3	3%
Source: File review				
Base: Cases where the accused plead guilty/was found guilty or plead not guilty/was found guilty				
Note: Cases may have a combination of more than one sentence. Column totals may sum to more than 100%.				

4.3.8 Sentence conditions

Overall. Most cases with probation as a condition of sentence also have conditions attached to the probation order. The most common non-mandatory probation conditions were:

- ▶ Over half (55%) of offenders received **counselling other than the PAR program**. This could include anger management or other forms of counselling such as for drug/alcohol abuse, or marital or parenting counselling.
- ▶ Almost half (47%) received **reporting requirements**.
- ▶ A similar percentage (45%) of offenders received **no contact or communication with the victim**.
- ▶ Just over one-third were sentenced into the **PAR program** (36%), given a condition of **no firearms or weapons** (35%) or **non-attendance at the victim's residence or work** (35%).

According to DOVES, of offenders who received probation, just over one-tenth (11%) did not receive any sentence conditions beyond those required by law.⁷⁶ See Table 92 for complete results.

Table 92: Common probation conditions (non-mandatory)

Probation conditions	Province (N=6,750)	East (N=1,518)	Central (N=918)	Central- West (N=1,495)	Toronto (N=490)	North (N=494)	West (N=1,835)
Other counselling (not including PAR)	55%	51%	57%	40%	61%	61%	66%
Reporting requirements	47%	41%	53%	33%	35%	65%	59%
No contact/communication with victim	45%	42%	49%	39%	52%	63%	45%
PAR program*	36%	31%	43%	35%	56%	46%	31%
No firearms/weapons	35%	27%	24%	41%	76%	17%	37%
Non-attendance at victim's residence/work	35%	31%	49%	32%	33%	52%	31%
No contact except with revocable consent	27%	22%	42%	26%	34%	9%	27%
No alcohol/non-prescription drugs	16%	17%	11%	16%	4%	22%	18%
Non-attendance at daycare/school	7%	5%	9%	9%	7%	12%	5%
Third party access to children	5%	3%	9%	5%	5%	8%	3%
Surrender firearms registration	3%	1%	4%	3%	13%	3%	1%
Restitution	3%	1%	2%	2%	2%	5%	4%
Other conditions	15%	19%	14%	7%	12%	34%	16%
No conditions	11%	17%	4%	19%	9%	2%	8%

Source: DOVES

Base: Cases where probation was ordered

Note: Cases may have a combination of more than one probation condition. Therefore, rows sum to more than 100%.

The structure of the table was changed in order to accommodate the numerous types of sentence conditions contained in the DOVES database.

*This table includes only cases where PAR is ordered as part of probation. PAR can also be ordered as a bail condition and these orders are not included here.

⁷⁶

Sentence conditions were based on the conditions for the most serious charge. Therefore, sentence conditions may not represent all conditions an accused received if he or she pleaded or was found guilty on multiple charges.



Over time. The proportion of offenders who received each type of probation condition increased across fiscal periods for all conditions, with the exception of no contact or communication with victim. The most prominent changes in conditions across fiscal periods were: no contact, except with revocable consent; reporting requirements; PAR program; and counselling orders (other than PAR).⁷⁷

See Table 93 for a complete list of sentence conditions for fiscal periods.

Table 93: Common probation conditions (non-mandatory) by fiscal period* (N=6,750)

Probation condition	Apr – Dec 2005		Apr 2004 – Mar 2005		Mar 2004 and prior	
	N=3,801	%	N=2,695	%	N=254	%
Other counselling (not including PAR)	2,127	56%	1,469	55%	102	40%
Reporting requirements	1,944	51%	1,171	43%	74	29%
No contact/communication with victim	1,705	45%	1,261	47%	105	41%
PAR program	1,555	41%	860	32%	46	18%
Non-attendance at victim's residence/work	1,494	39%	832	31%	63	25%
No weapons/firearms	1,384	36%	940	35%	60	24%
No contact except with written revocable consent	1,249	33%	570	21%	18	7%
No alcohol/non-prescription drugs	705	19%	329	12%	31	12%
Non-attendance at daycare/school	327	9%	133	5%	5	2%
Third party access to children	219	6%	104	4%	5	2%
Surrender firearms registration	143	4%	41	2%	--	--
Restitution	123	3%	60	2%	3	1%
Other conditions	624	16%	374	14%	47	19%
No conditions	268	7%	424	16%	77	30%

Source: DOVES

Base: Cases where probation was ordered

Note: Cases may have a combination of more than one probation condition. Therefore, rows sum to more than 100%.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

⁷⁷

Counselling orders other than PAR can include anger management or other forms of counselling such as for drug/alcohol abuse, or marital or parenting counselling. In some cases, counselling is ordered and it is left up to the probation officer to refer the accused to a counselling program.

By gender. More males than females received most types of probation conditions. The most noticeable differences between male and female offenders were for:

- ▶ **PAR program** (37% males compared to 26% females)
- ▶ **No contact with victim** (46% males compared to 36% females)
- ▶ **Non-attendance at victim's residence or work** (36% males compared to 24% females)
- ▶ **No weapons or firearms** (36% males compared to 28% females).

Results are presented in Table 94.

Table 94: Common probation conditions (non-mandatory) by accused gender (N=6,750)				
Probation conditions	Male		Female	
	N=6,172	%	N=578	%
Other counselling (not including PAR)	3,377	55%	321	56%
Reporting requirements	2,917	47%	272	47%
No contact/communication with victim	2,861	46%	210	36%
PAR program	2,313	37%	148	26%
Non-attendance at victim's residence/work	2,249	36%	140	24%
No weapons/firearms	2,223	36%	161	28%
No contact except with written revocable consent	1,700	28%	137	24%
No alcohol/non-prescription drugs	989	16%	76	13%
Non-attendance at daycare/school	451	7%	14	2%
Third party access to children	308	5%	20	3%
Surrender firearms registration	179	3%	5	1%
Restitution	171	3%	15	3%
Other conditions	940	15%	105	18%
No conditions	688	11%	81	14%
Source: DOVES				
Base: Cases where probation was ordered				
Note: Cases may have a combination of more than one probation condition. Therefore, rows sum to more than 100%.				

By whether entered EIP. Among offenders who received probation, there were noticeable differences in their conditions by whether they had been part of EIP. Please note that this includes probation only and offenders can also enter EIP through bail.

- ▶ Offenders who entered EIP were more likely to receive the following conditions: **PAR program** (67% to 32% of offenders who did not enter EIP), **no contact with the victim, unless with written revocable consent** (37% compared to 26%), **reporting requirements** (49% compared to 47%) and **no weapons/firearms** (38% compared to 35%).
- ▶ Offenders who did not enter EIP were more likely to receive the remaining conditions. For example, offenders who did not enter EIP were more likely to receive **counselling other than PAR** (57% compared to 41% of offenders who entered EIP), **no contact with the victim** (47% compared to 33%), and **non-attendance at victim's residence/workplace** (36% compared to 29%).

For complete results see Table 95.

Table 95: Common probation conditions by entry into EIP (N=6,750)				
Probation condition	Entered EIP		Did not enter EIP	
	N	%	N	%
PAR program	556	67%	1,905	32%
Reporting requirements	412	49%	2,777	47%
Other counselling (not including PAR)	346	41%	3,352	57%
No contact except with written revocable consent	306	37%	1,531	26%
No weapons/firearms	317	38%	2,067	35%
No contact/communication with victim	276	33%	2,795	47%
Non-attendance at victim's residence/work	241	29%	2,148	36%
No alcohol/non-prescription drugs	84	10%	981	17%
Non-attendance at daycare/school	41	5%	424	7%
Third party access to children	37	4%	291	5%
Surrender firearms registration	21	3%	163	3%
Restitution	13	2%	173	3%
Other conditions	133	16%	912	15%
No conditions	55	7%	714	12%
Source: DOVES				
Base: Cases where probation was ordered.				
Note: Cases may have a combination of more than one probation condition. Therefore, columns sum to more than 100%.				

File review results

The file review results show that since the DVC program began there has been an increase in the most common types of conditions. Of interest is also the result that courts are more likely to order counselling conditions other than PAR. See Table 96.

Table 96: Probation conditions (non-mandatory)				
Types of conditions	DVC cases (N=316)		Pre-DVC cases (N=95)	
	n	%	n	%
No contact/communication with victim	237	75%	65	68%
No weapons/firearms	211	67%	55	58%
Other counselling (not including PAR)	197	62%	51	54%
PAR program	149	47%	7	7%
Non-attendance at victim's residence/work	98	31%	19	20%
Abstain from alcohol	33	10%	19	20%
Non-association with others named by probation officer	31	10%	14	15%
Third party access to children	28	9%	7	7%
Not harass victim	24	8%	7	7%
Reside at place approved by probation officer	22	7%	9	10%
No non-prescription/illegal drugs	15	5%	4	4%
Seek/maintain employment	13	4%	7	7%
Curfew	5	2%	2	2%
Seek medical advice	4	1%	3	3%
Notify courts of change in employment	3	1%	2	2%
House arrest	2	1%	--	--
Maintain dependents	1	<1%	2	2%
Other	13	4%	6	6%
Can't determine/No response	16	5%	2	2%
Source: File review				
Base: Cases where probation was ordered				
Note: Cases may have a combination of more than one probation condition. Column totals may sum to more than 100%.				

4.4 Intervening early in domestic violence cases

The discussion of this objective considers several aspects of early intervention:

- ▶ eligibility and entry of offenders into EIP
- ▶ early contact by V/WAP
- ▶ timeliness of the court process.

4.4.1 Early Intervention Program (EIP)

Eligibility for EIP

Early intervention, as its name suggests, was designed to provide early intervention to victims and offenders. As discussed earlier in Section 4.3.2, the Crown screens cases for eligibility based on the following criteria: the accused must not have any prior domestic violence-related convictions, must not have caused significant harm to the victim, and must not have used any weapons in the commission of the offence.

Based on DOVES data, 16% of accused were considered eligible for EIP. As shown in Table 97, this ranged from 32% in the Central region to 9% in the Central-West region.

Table 97: Cases where accused eligible for EIP (N=12,160)					
Region	N	Eligible for EIP			
		Yes		No	
		n	%	n	%
Province	12,160	1,960	16%	10,200	84%
East	2,676	361	13%	2,315	87%
Central	1,453	470	32%	983	68%
Central-West	2,856	249	9%	2,607	91%
Toronto	989	213	22%	776	78%
North	777	184	24%	593	76%
West	3,409	483	14%	2,926	86%
Source: DOVES					

The proportion of accused who were EIP eligible increased over each fiscal period, as almost one-fifth (19%) of accused were considered EIP eligible in April to December 2005. See Table 98 for complete results.

Table 98: Cases where accused eligible for EIP by fiscal period (N=12,160)					
Fiscal period*	N	Eligible for EIP			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	6,710	1,270	19%	5,440	81%
Apr 2004 - Mar 2005	4,949	668	13%	4,281	87%
Mar 2004 and prior	501	22	4%	479	96%
Source: DOVES					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					



Entry into EIP

Provincially, the accused entered EIP by either bail or probation order in 9% of the cases. This varied from 17% in the North region to 6% in the East region. See Table 99.

Table 99: Entry into EIP by bail or probation (N=12,160)					
Region	N	Entry into EIP			
		Yes		No	
		n	%	n	%
Province	12,160	1,061	9%	11,099	91%
East	2,676	165	6%	2,511	94%
Central	1,453	211	15%	1,242	85%
Central-West	2,856	179	6%	2,677	94%
Toronto	989	76	8%	913	92%
North	777	132	17%	645	83%
West	3,409	298	9%	3,111	91%
Source: DOVES					

As shown in Table 100, the percentage of accused entering EIP has increased slightly from 8% in fiscal year 2004-05 to 10% in April to December 2005.

Table 100: Entry into EIP by fiscal period (N=12,160)					
Fiscal period*	N	Entry into EIP			
		Yes		No	
		n	%	n	%
Apr 2005 - Dec 2005	6,710	653	10%	6,057	90%
Apr 2004 - Mar 2005	4,949	396	8%	4,553	92%
Mar 2004 and prior	501	12	2%	489	98%
Source: DOVES					
Base: Cases where accused EIP eligible					
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).					

Accused who were screened by the Crown as EIP eligible did not necessarily enter EIP, either because they chose not to plead guilty and enter EIP or because the court decided not to follow the EIP sentencing recommendation. Overall, 41% of accused who were screened by the Crown as EIP eligible entered EIP by either bail or a probation order. In a few cases (3%), the court opted to place the accused in EIP when the Crown screened them as ineligible. As shown in Table 101, there were some regional variations. In particular, almost half of EIP-eligible accused in the North (49%) and West (48%) regions entered EIP. At less than one-third, the Central-West (32%) and Toronto (29%) regions had the lowest proportions of accused who entered EIP.

Table 101: Entry into EIP by eligibility (N=12,160)									
Region	N	EIP eligible				Not EIP eligible			
		Enters EIP		Does not enter EIP		Enters EIP		Does not enter EIP	
		n	%	n	%	n	%	n	%
Province	12,160	801	41%	1,159	59%	260	3%	9,940	97%
East	2,676	140	39%	221	61%	25	1%	2,290	99%
Central	1,453	199	42%	271	58%	12	1%	971	99%
Central-West	2,856	79	32%	170	68%	100	4%	2,507	96%
Toronto	989	61	29%	152	71%	15	2%	761	98%
North	777	90	49%	94	51%	42	7%	551	93%
West	3,409	232	48%	251	52%	66	2%	2,860	98%
Source: DOVES									

File review results were similar to DOVES results in that one-fifth (20%) of files were screened as eligible for EIP. Please note that in 80% of the cases, there was no affirmative evidence that the case was screened as eligible for EIP and, therefore, these cases are presumed to have not been considered eligible. See Table 102.

Table 102: Eligibility for EIP		
<i>Was the case screened as eligible for EIP?</i>	DVC cases (N=601)	
	n	%
Evidence of eligibility	118	20%
No evidence of eligibility	483	80%
Source: File review		

Of the 118 cases screened as eligible for EIP: in two the accused had prior convictions for domestic violence; 12 involved the use of a weapon (while none involved a gun, four involved the use of a knife and other weapons included a broom, a phone, a bottle); and in 59 cases the victim had some visible injuries. The most common injuries in the EIP-eligible cases were bruises and redness (n=37), cuts/no stitches (n=12), abrasions (n=6), swelling (n=4), and bleeding of the nose, lip or cheek (n=3).

Mirroring the results in DOVES, less than one-tenth (8%) of accused entered EIP (see Table 103). Of the cases entering EIP, two had been screened as ineligible and the screening decision could not be determined for the other three cases. Please note that in 82% of the cases, there was no affirmative evidence that the accused entered EIP and, therefore, these cases are presumed to have not entered the program.

Table 103: Entry into EIP		
<i>Did the accused enter EIP?</i>	DVC cases (N=601)	
	n	%
Evidence of entry	47	8%
No evidence of entry	554	82%
Source: File review		

Of the files with no evidence of entry into EIP (N=554), the most common reasons for accused not to enter EIP were: charges withdrawn/issuance of a peace bond (n=26), or the accused refused to enter EIP (n=10). Again, for many of the files, this information could not be determined.

Of the 47 cases that entered EIP: in one the accused had prior convictions for domestic violence; four involved the use of a weapon (while none involved a gun, two involved the use of a knife and other weapons included a broom); and in 23 cases the victim had some visible injuries. The most common injuries in the EIP-eligible cases were bruises and redness (n=12), cuts/no stitches (n=6), swelling (n=2), and bleeding of the nose, lip or cheek (n=2).

4.4.2 Contact by V/WAP

As discussed in Section 4.1.1., V/WAP attempts to contact all victims early in the process and begin providing them with information and support. While bail is not part of the DVC Program, all sites try to contact victims at the bail stage, if the case is high risk, or the victim has raised safety concerns. In addition, some sites routinely try to contact victims before bail, while others reported that their ability to contact victims prior to bail is limited by staff resources and the short time lines before bail hearings. Even with these limitations, a sizable minority of victims interviewed reported that they talked to V/WAP before the bail hearing. Most victims also said that they talked to V/WAP before the first court date after the bail hearing.

Please note that due to the high percentage of files for which the victim contact date could not be determined, Table 105 presents results for cases where the information was available as well as for all cases. The results should be read as the range between the percentage of all cases and the percentage of cases with information (e.g., the percentage of DVC files where victim was contacted the same day or one day later is between 10% and 13%).

As shown in Table 104, V/WAP contacted between 33% and 45% of victims within 10 days of the domestic incident. Between 46% and 63% of victims were contacted within 30 days.

Table 104: Days between offence date and first contact with V/WAP

Time	N=12,160	%	% of cases with contact date (n=8,873)
Same day or one day	1,160	10%	13%
2-10 days	2,834	23%	32%
11-30 days	1,592	13%	18%
31-60 days	767	6%	9%
More than 60 days	1,057	9%	12%
Not contacted by V/WAP	1,463	12%	16%
No contact date provided	3,287	27%	--
Source: DOVES			
Caution: Presentation of frequencies with missing data removed assumes random distribution of missing data.			

Among victims who were contacted by V/WAP, the average time between the offence date and V/WAP's first contact was 47 days. As Table 105 shows:

- ▶ Five of the six regions had an average time of between 36 and 50 days from offence date to first contact.
- ▶ The average time from offence date to first contact for the Toronto region was almost three months.

Table 105: Average time from offence date to first contact date with V/WAP		
Region	N	Average
Province	7,409	47 days
East	1,379	50 days
Central	998	40 days
Central-West	1,745	50 days
Toronto	471	89 days
North	614	36 days
West	2,202	39 days
Source: DOVES		
Note: Dates ranged from -304 to 6,957 days. Dates < 0 and >3,000 were treated as outliers and excluded from the calculation of the average.		

The average time from offence to V/WAP's first victim contact date decreased by fiscal period, from 53 days in March 2004 and prior to 45 days in April to December 2005. See Table 106 for complete results.

Table 106: Average time from offence date to first contact date with V/WAP by fiscal period		
Fiscal period*	N	Average
Apr 2005 - Dec 2005	4,505	45 days
Apr 2004 - Mar 2005	2,718	50 days
Mar 2004 and prior	186	53 days
Source: DOVES		
Note: Dates ranged from -304 to 6,957 days. Dates < 0 and >3,000 were treated as outliers and excluded from the calculation of the average.		
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).		

4.4.3 Contact with victims before the first court date after the bail hearing

Where V/WAP had victims' contact information before the first court date, almost all victims were contacted: 91% were contacted prior to the first court date of the accused. As shown in Table 107, the proportion of victims contacted did not differ by region.

Table 107: Victims contacted by V/WAP, where contact information was available prior to first court date (N=7,801)

Region	N	Contacted				Not contacted	
		Prior to first court date (excluding bail hearing)		After first court date			
		n	%	n	%	n	%
Province	7,801	7,095	91%	585	7%	121	2%
East	1,572	1,446	92%	113	7%	13	1%
Central	956	820	86%	118	12%	18	2%
Central-West	1,444	1,342	93%	69	5%	33	2%
Toronto	417	371	89%	39	9%	7	2%
North	717	692	97%	14	2%	11	2%
West	2,695	2,424	90%	232	9%	39	1%

Source: DOVES

Base: Cases where victim's contact information was available prior to first court date

Note: Rows may not sum to 100% due to rounding.

The proportion of victims contacted by V/WAP, when their contact information was available before the first court date, increased by fiscal period, as shown in Table 108.

- ▶ Less than three-quarters (71%) of victims were contacted before the first court date in March 2004 and prior. It should be noted that the sample size is very small for this period.
- ▶ Almost all victims were contacted before the first court date of accused in fiscal year 2004-05 (88%) and April to December 2005 (93%).

Table 108: Victims contacted by V/WAP, where contact information was available prior to the first court date by fiscal period (N=7,801)

Fiscal period*	N	Contacted				Not contacted	
		Prior to first court date (excluding bail hearing)		After first court date			
		n	%	n	%	n	%
Apr 2005 - Dec 2005	4,754	4,444	93%	240	5%	70	1%
Apr 2004 - Mar 2005	2,826	2,495	88%	283	10%	48	2%
Mar 2004 and prior	221	156	71%	62	28%	3	1%

Source: DOVES

Base: Cases where victim's contact information was available prior to first court date

Note: Rows may not sum to 100% due to rounding.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

Almost all victims whose contact information was available prior to the first court date were contacted by V/WAP whether the accused were male or female. See Table 109.

Table 109: Victims contacted by V/WAP, where contact information was available by accused gender (N=7,801)							
Accused gender	N	Contacted				Not contacted	
		Prior to first court date (excluding bail hearing)		After first court date			
		n	%	n	%	n	%
Male	6,908	6,319	91%	503	7%	86	1%
Female	893	776	87%	82	9%	35	4%

Source: DOVES
Base: Cases where victim's contact information was available prior to first court date
Note: Rows may not sum to 100% due to rounding.

4.4.4 Timeliness of court process

This section assesses the timeliness of the DVC process. In particular, it explores the days between key points, such as dates for the offence, the first court appearance after the bail hearing, the guilty plea, the trial, and the disposition. The disposition date is the date when the criminal case ended either by withdrawal or stay of charges, a finding of not guilty, or the sentencing after a guilty plea or conviction.

From date of the offence. Based on results in DOVES:

- ▶ The first court date occurred, on average, a month and a half after the offence date.
- ▶ The average time between offence date and guilty plea was five months and almost nine months to the trial date.
- ▶ The average time between the offence date and the disposition date was more than half a year.

Table 110: Average days from offence date to first court appearance (excluding bail), trial, disposition, or plea date

Region	From offence date to							
	First court appearance (excluding bail)		Guilty plea		Disposition		Trial*	
	n	Average	n	Average	n	Average	n	Average
Province	12,159	46 days	7,347	156 days	12,158	197 days	2,036	266 days
East	2,675	41 days	1,637	194 days	2,674	221 days	598	263 days
Central	1,453	41 days	877	151 days	1,453	196 days	254	269 days
Central-West	2,856	45 days	1,579	144 days	2,856	199 days	382	311 days
Toronto	989	66 days	598	238 days	989	300 days	138	380 days
North	777	44 days	557	123 days	777	156 days	74	300 days
West	3,409	47 days	2,099	122 days	3,409	156 days	590	208 days

Source: DOVES

Note: Days from offence date to first court, guilty plea, trial and disposition date ranged from -250 to 6,971 days. Days < 0 and > 3,500 have been excluded from the calculation of the average.

*The average days from offence to trial are based on valid responses in DOVES and include cases where the accused pleaded guilty on the day of trial.



Compared over time, the results show some improvements and other places where time lines are lengthening. As shown in Table 111:

- ▶ Typically, accused had fewer average days from their offence date to their guilty plea date. The number of days dropped from 198 days in March 2004 and prior to 167 days in fiscal year 2004-05 and finally to 145 days in April to December 2005.
- ▶ The average number of days from offence date to the first court date (excluding bail) increased across fiscal periods from 35 days to 48 days.
- ▶ The average number of days between the offence date and disposition date dropped from 207 in fiscal year 2004-05 to 190 days in April to December 2005.
- ▶ The average number of days from the offence to trial date almost doubled, going from 160 days in March 2004 and prior to 288 days in April to December 2005.

Table 111: Average days from offence date to first court appearance (excluding bail), trial, disposition, or plea date by fiscal period

Fiscal period*	From offence date to							
	First court appearance (excluding bail)		Guilty plea		Disposition		Trial**	
	n	Average	n	Average	n	Average	n	Average
Apr 2005 - Dec 2005	6,710	48 days	4,243	145 days	6,710	190 days	935	288 days
Apr 2004 - Mar 2005	4,949	44 days	2,840	167 days	4,948	207 days	959	260 days
Mar 2004 and prior	500	35 days	264	198 days	500	182 days	142	160 days

Source: DOVES

Note: Days from offence date to first court, guilty plea, trial and disposition date ranged from -250 to 6,971 days. Days < 0 and > 3,500 have been excluded from the calculation of the average.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

**The average days from offence to trial are based on valid responses in DOVES and include cases where the accused pleaded guilty on the day of trial.

The file review results allow for a comparison between cases pre- and post-DVC and show that while time to bail hearing and first appearance after bail have decreased since the DVC began, other time lines, such as offence date to guilty plea, disposition, and trial have increased. See Table 112.

Table 112: Average days from offence date to bail hearing, first court appearance (excluding bail), trial, disposition, or plea date

	From offence date to									
	Bail hearing		First court appearance (excluding bail)		Guilty plea		Disposition		Trial	
	n	Average	n	Average	n	Average	n	Average	n	Average
Post-DVC	376	17 days	375	43 days	239	122 days	561	200 days	98	286 days
Pre-DVC	81	28 days	104	54 days	57	105 days	131	154 days	25	214 days

Source: File review

From first court appearance after bail. As Table 113 presents, DOVES data show that on average:

- ▶ Accused entered a guilty plea 112 days from their first court appearance.
- ▶ Accused were given a disposition 151 days from their first court appearance.
- ▶ For accused who went to trial, their trial date was 214 days from their first court date.

Table 113: Average time from first court appearance (excluding bail) to guilty plea, trial or disposition date

Region	From first court appearance (excluding bail) to					
	Guilty plea		Disposition		Trial*	
	n	Average	n	Average	n	Average
Province	7,346	112 days	12,158	151 days	2,036	214 days
East	1,638	155 days	2,675	180 days	598	218 days
Central	877	110 days	1,453	155 days	254	228 days
Central-West	1,578	103 days	2,855	155 days	382	265 days
Toronto	597	174 days	989	234 days	138	280 days
North	557	81 days	777	113 days	74	234 days
West	2,099	78 days	3,409	109 days	590	153 days

Source: DOVES

Note: Days from first court date to guilty plea, trial and disposition date ranged from -308 to 3,342 days. Days < 0 and > 3,000 have been excluded from the calculation of the average.

*The average days from offence to trial are based on valid responses in DOVES and include cases where the accused pleaded guilty on the day of trial.

As shown in Table 114:

- ▶ The average number of days from the first court to guilty plea date has consistently declined across fiscal periods.
- ▶ The average number of days from first court date to trial date has consistently increased across fiscal periods.

Table 114: Average time from first court appearance (excluding bail) to guilty plea, trial or disposition date by fiscal period

Fiscal period*	From first court appearance (excluding bail) to					
	Guilty plea		Disposition		Trial**	
	n	Average	n	Average	n	Average
Apr 2005 - Dec 2005	4,241	101 days	6,709	142 days	935	227 days
Apr 2004 - Mar 2005	2,840	126 days	4,948	164 days	959	214 days
Mar 2004 and prior	265	161 days	501	147 days	142	132 days

Source: DOVES

Note: Days from first court date to guilty plea, trial and disposition date ranged from -308 to 3,342 days. Days < 0 and > 3,000 have been excluded from the calculation of the average.

*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

**The average days from offence to trial are based on valid responses in DOVES and include cases where the accused pleaded guilty on the day of trial.

While DOVES showed the time lines decreasing with time, the file review results indicated an increase in the time between first court appearance (excluding bail) and other key dates in the process. See Table 115.

Table 115: Average time from first court appearance (excluding bail) to guilty plea, trial or disposition date						
	From first court appearance (excluding bail) to					
	Guilty plea		Disposition		Trial	
	n	Average	n	Average	n	Average
Post-DVC	183	85 days	373	134 days	53	225 days
Pre-DVC	47	49 days	105	105 days	22	149 days
Source: File review						

The results in both DOVES and the file review compare favourably to ICON data, which showed the average days between first appearance and disposition as 210 days for crimes against persons, 213 days for crimes against property, and 127 days for administration of justice. These are the areas that contain most of the charges typically laid in domestic violence cases. However, because of the lack of a reliable baseline, these results cannot be directly attributed to the DVC Program and may reflect longstanding differences in the time between first appearance and dispositions between domestic violence cases when compared to all criminal cases.

Comparing timeliness of process for EIP. According to Table 116, the average number of days from offence date to guilty plea for those who entered EIP was 129 days, which was 30 days less than for those who did not enter EIP.

Table 116: Average time from offence date to guilty plea date by entry into EIP				
Region	Entered EIP		Did not enter EIP	
	n	Average	n	Average
Province	1,061	129 days	11,099	159 days
East	165	139 days	2,511	199 days
Central	211	120 days	1,242	158 days
Central-West	179	133 days	2,677	145 days
Toronto	76	156 days	913	249 days
North	132	160 days	645	114 days
West	298	102 days	3,111	124 days
Source: DOVES				
Note: Days from offence date to guilty plea ranged from -250 to 6,972 days. Days < 0 and > 3,500 have been excluded from the calculation of the average.				

Across the 2004-05 and April to December 2005 periods:

- ▶ For offenders who **entered EIP**, the average number of days from offence date to guilty plea decreased from 2004-05 to April to December 2005 from 131 days to 126 days.
- ▶ For offenders who **did not enter EIP**, the average number of days from offence to guilty plea date also decreased, although it always remained higher than for offenders who entered EIP.

See Table 117 for complete results.

Table 117: Average time from offence date to guilty plea date by entry into EIP by fiscal period				
Fiscal period*	Entered EIP		Did not enter EIP	
	n	Average	n	Average
Apr 2005 - Dec 2005	653	126 days	6,057	148 days
Apr 2004 - Mar 2005	396	131 days	4,553	172 days
Mar 2004 and prior	12	187 days	489	199 days

Source: DOVES
 Note: Days from offence date to guilty plea ranged from -250 to 6,972 days. Days < 0 and > 3,500 have been excluded from the calculation of the average.
 *Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).

The average number of days from first court appearance (excluding bail) to guilty plea date by entry into EIP has similar results to Table 117 (offence to guilty plea). In general, the time period between the first court appearance to guilty plea is less when the offender enters EIP, except for the North and Central-West region, where it is more. See Table 118.

Table 118: Average time from first court appearance (excluding bail) to guilty plea date by entry into EIP				
Region	Entered EIP		Did not enter EIP	
	n	Average	n	Average
Province	1,061	95 days	11,099	115 days
East	165	102 days	2,511	160 days
Central	211	98 days	1,242	113 days
Central-West	179	108 days	2,677	103 days
Toronto	76	114 days	913	182 days
North	132	103 days	645	76 days
West	298	71 days	3,111	79 days

Source: DOVES
 Note: Days from first court date to guilty plea ranged from -308 to 3,032 days. Days < 0 and > 3,000 have been excluded from the calculation of the average.

In general, the average number of days from first court appearance to guilty plea decreased from 2004-05 to April to December 2005. However, when the offender enters EIP, the number of days from first court appearance to guilty plea is less than when the offender does not enter EIP. See Table 119 for results.

Table 119: Average time from first court appearance (excluding bail) to guilty plea date by entry into EIP				
Fiscal period*	Entered EIP		Did not enter EIP	
	n	Average	n	Average
Apr 2005 - Dec 2005	653	91 days	6,057	102 days
Apr 2004 - Mar 2005	396	100 days	4,553	129 days
Mar 2004 and prior	12	149 days	489	162 days
Source: DOVES				
Note: Days from first court date to guilty plea ranged from -308 to 3,032 days. Days < 0 and > 3,000 have been excluded from the calculation of the average.				
*Please note that because of the time lines of the evaluation, the 2005-06 fiscal year is partial (April to December 2005).				

4.5 Improving coordination of services

According to several stakeholders, the DVC Program assembles community and justice partners around a common goal, thereby enhancing communication and increasing collaboration. Though the perceived success of the DVCAC in improving coordination of services varies across jurisdictions, stakeholders generally agreed that the DVCAC constitutes the main mechanism through which the DVC Program brings stakeholders together to promote a coordinated response to domestic violence. In addition, specialized Crown teams, and in some jurisdictions, specialized police units, as well as leadership and previously existing relationships between stakeholders, are seen as contributing to this objective. Judicial attitude and lack of resources are the most often cited challenges to ensuring a coordinated approach throughout the justice system, and privacy issues most often limit information sharing between stakeholders.

4.5.1 Domestic Violence Court Advisory Committees

Overall, stakeholders noted that the DVCAC consists of a forum for reviewing processes, policies, and procedures in place, as well as sharing information on stakeholders' roles and responsibilities in the DVC Program. While stakeholders in four of the six sites expressed mainly satisfaction with the functioning of the DVCAC, others expressed some disappointment. Community and justice stakeholders generally held similar views on the DVCAC, with the exception of one site where community stakeholders were more likely than justice professionals to express dissatisfaction with the mechanism. Overall, two key features seem to delineate the satisfied sites from the others: stakeholders believe the DVCAC has a clear mandate and direction (e.g., it has developed terms of reference and protocols to facilitate collaboration and information-sharing); and they believe that the DVCAC is an effective forum for raising issues and finding solutions to present to those in authority. For example, the DVCACs at these sites have identified issues of concern, such as delays in the courts or the declining referrals to the PAR program. They have then taken these issues to the Crown or members of the judiciary and have received responses. Stakeholders who are dissatisfied with the DVCAC often commented on its lack of a clear mandate or vision and said that it is ineffective, serving more as a forum for expressing frustrations than for finding solutions. They attributed this to the DVCAC's lack of

any capacity to make changes. According to these stakeholders, when they pass suggestions along to those in authority, nothing happens.

The organization of the DVCAC meetings (membership, frequency, and agenda) also varies across sites. DVCACs in all sites have representation from Crown, V/WAP, PAR agencies, community agencies or shelters, and police. Most have representation from the SA/DV Treatment Centre, probation, and defence (criminal lawyers association or duty counsel), and a few have representation from the Children's Aid Society (CAS), interpreter services, and court services. Stakeholders across sites believe that a wide range of agencies are involved in their local DVCAC and few additions are necessary. However, three sites stated that either the CAS was not as active as they would like or they wished it would join the DVCAC. A small number of stakeholders in several sites also noted that participation from the medical profession would be beneficial. For example, those involved in providing services to victims through the SA/DV Treatment Centre, mental health and addictions professionals, as well as doctors and dentists who also have a role in identifying domestic abuse. One site with a moderate Aboriginal population noted that it does not have representation from the Aboriginal community on its DVCAC.

Some sites meet monthly and others meet bimonthly or quarterly, though one site has frequently had to cancel meetings due to lack of participation. According to stakeholders at this site, lack of resources to participate in DVCAC meetings, frequent staff turnover within agencies and/or the justice system's services, and lack of perceived purpose of the DVCAC are the main factors that contribute to inconsistent participation. Even in sites where DVCAC members regularly participate in meetings, stakeholders noted that finding the time and the staff to attend meetings can be challenging.

All sites have an information-sharing and educational part of their meetings, where the different agencies share what they are doing. Stakeholders found this information helpful in building a better, more-informed network of agencies that can direct referrals to the appropriate service. Most DVCACs also bring in external experts and stakeholders to present on various topics of relevance such as, family law, immigration law, and the use of child witnesses in cases of domestic violence. In addition, DVCACs in two sites have established sub-committees that conduct case reviews to identify best practices in their response, as well as areas needing improvement.⁷⁸ According to stakeholders in these sites, cases can only be reviewed if the victim's consent has been obtained. In addition, in one of the sites, members of the sub-committee must sign a confidentiality agreement stating that they will only discuss the details of the case in the context of case management and planning. Stakeholders in the other four sites most commonly cited confidentiality issues as preventing DVCAC members from conducting case reviews, believing that case-specific information cannot be discussed in a forum that involves stakeholders from various sectors. It is also possible that some sites do not conduct case reviews because of lack of time to establish a sub-committee and organize meetings and the review of cases, and/or a perceived lack of need for conducting case reviews, particularly in smaller communities where stakeholders regularly engage in informal discussions about particular cases.

⁷⁸ A few stakeholders in one site mentioned that their DVCAC is considering establishing a sub-committee for reviewing specific cases.

4.5.2 Other factors contributing to improved coordination of services

A few stakeholders noted that specialized DV Crown teams and DV investigating units within police services have led to a more coordinated response to domestic violence. Having these teams ensures that both community and other justice stakeholders know who to go to with questions, comments, and/or concerns on specific domestic violence matters. As such, information is reaching the appropriate person in a timely manner and action can be taken promptly. Specialized teams also improve continuity, and therefore, information on a case is less likely to get lost in transition.

Evaluation findings show that additional factors also contribute to improved coordination of services, including, training, existing relationships between stakeholders, and leadership. Training for stakeholders contributes to improved coordination of services, as it ensures that stakeholders have a common understanding of the dynamics of domestic abuse and of the DVC Program. Several stakeholders also noted that good communication between stakeholders, due in part to existing relationships, promotes a coordinated response. Many justice and community partners have developed positive relationships from being involved in previously existing committees, and in some small communities, justice and community partners know each other well because they are in constant contact with one another. Finally, the leadership of stakeholders, in particular V/WAP and Crown co-leads of the DVC Program, contribute to promoting coordination among all partners. In many sites, these individuals take steps to engage stakeholders in the DVCAC meetings and to ensure that the proper protocols are in place to allow a better flow of information and to facilitate positive working relationships between stakeholders. The DVC Program has a role to play in maintaining each of these additional factors, by providing adequate training opportunities, and by giving stakeholders the tools they require to build and maintain their relationships.

4.5.3 Challenges to information sharing and coordination

Lack of resources, often combined with high caseloads, impedes coordination of services by limiting the capacity of stakeholders to participate in efforts to bring partners together and to take the time to consult with other stakeholders on domestic violence cases. Stakeholders noted that difficulties in improving the coordinated response to domestic violence frequently stem from a lack of judicial participation in the DVC Program. Even in some of the more enthusiastic sites, some stakeholders believe that the judiciary has not been fully cooperative in supporting the work of the DVCAC, and, while these stakeholders recognize that it is likely not appropriate for there to be judicial representation on the DVCAC, they are frustrated by what they consider to be a lack of communication and cooperation.

When it comes to information sharing among justice and community partners, most stakeholders indicated that protocols are clear. Generally, while justice partners can share case-specific information amongst themselves, as can health professionals, sharing client-specific information across sectors poses a challenge. For example, while V/WAP and police will openly share victim contact information with each other, they will likely resist providing it to PAR agencies. In addition, shelter workers will never confirm that a victim of domestic violence is staying at the shelter. While these self-imposed restrictions can make it difficult for stakeholders to provide

services and/or information to victims, and create gaps in services, most stakeholders agreed that they are necessary, as they allow protecting a victim's rights to privacy. However, several stakeholders noted that developing protocols to allow information sharing for a specified purpose (for example, to allow a PAR agency to contact the victim) would be beneficial, as all stakeholders are in fact working toward a common goal.

4.6 Administration and management

4.6.1 Roles and responsibilities

Almost all of the stakeholders who were asked about their roles and responsibilities in the DVC Program found them to be clear.⁷⁹ V/WAP workers, Crowns, and police generally indicated that their roles and responsibilities were clearly outlined in their respective policies and procedures manuals, and were continually reinforced through their interactions with the various community and justice partners. PAR workers are mostly clear on their roles and responsibilities in the Program, though a small number noted that expectations for the PAR program have not been clearly established. Finally, the majority of court managers are not clear on their role in the DVC Program, stating that these have not been communicated to them. It is also important to note that in most sites, court managers are not involved in the DVCAC.

Despite being clear on their roles and responsibilities, several stakeholders indicated having difficulties fully meeting them because insufficient resources, both in terms of staffing and funding, limit stakeholders' capacity to do so.

4.6.2 Effect of resource levels

The Ontario government spends approximately \$22.4 million annually on the operation of the DVC Program.⁸⁰ This figure includes funding for:

- ▶ 49 assistant Crowns
- ▶ 58 V/WAP staff
- ▶ 16 administrative positions shared between Crown and V/WAP offices in large court jurisdictions
- ▶ 68 PAR programs
- ▶ language-interpreter services provided through 11 community agencies
- ▶ domestic violence community coordination, which has recently been transferred to the Ministry of Community and Social Services.

⁷⁹ Police, Crown, V/WAP, PAR program staff, and the court manager were asked this question.

⁸⁰ Information on funding is provided by the MAG.

In addition, in 2000, the Ontario government allocated \$8 million annually for 59 new Crowns that was intended to support Crowns' ability to interview victims and witnesses and other case-preparation-related tasks that benefit victims.

Even with this substantial increase in funding for domestic violence cases, the majority of stakeholders across sites believe that the several components of the DVC Program are under-resourced.

- ▶ V/WAP offices have experienced increased caseloads because of the DVC Program, yet have not received corresponding increases in resources. In most sites, V/WAP workers are stretched thin and cannot easily provide the level of service required by most victims. Administrative support for V/WAP is also lacking in several sites.
- ▶ Crown resources are limited, as Crowns now have more responsibilities meeting with victims, screening files for EIP eligibility, and reviewing the additional evidence gathered by police. The complexity of domestic violence cases means that more DV Crowns are needed. Stakeholders in some sites indicated that additional DV Crowns are needed to ensure they can cover all aspects of the court process, including bail, set dates, first appearances, pleas, trials and sentencing. Crown offices in several sites are also lacking administrative support, taking DV Crowns away from the substantive aspects of their work to perform administrative duties.
- ▶ PAR agencies in three sites noted that they had more demand for the PAR program than anticipated and therefore needed more funding for staff and/or for client spaces in the program. In addition, stakeholders from several sites noted that funding requirements for the PAR program, in particular the minimum number of participants per group, are inappropriate because they do not reflect their reality. More specifically, in smaller sites, access to the PAR program is limited because PAR agencies generally cannot obtain the required numbers of participants to run all their groups on a continuous basis. Larger sites, on the other hand, require additional programs that target specific language or cultural groups, despite participation below the required minimum.
- ▶ According to some stakeholders, courtrooms should be equipped to play videotaped statements and to accommodate closed-circuit testimony. In addition, some sites mentioned the need for more courtrooms and judges to enable them to reduce delays in processing domestic violence matters and to ensure resolution of cases in a more timely manner.
- ▶ Police services are also lacking in resources to conduct in-depth investigations, collaborate more extensively with V/WAP and DV Crowns, and collect additional evidence that will lead to more effective and successful prosecutions.
- ▶ The DVC Program has increased the demand for services from community agencies but has not followed up with increased resources. In most sites, community agencies are limited and are often unable to consistently provide victims with the level of support and services they need, when they need it.

- ▶ Finally, stakeholders pointed to a lack of resources for training across stakeholder groups. Even when training programs and opportunities are available, many community and justice stakeholders cannot take the time to attend because no replacement staff are available.

4.6.3 DOVES database

All sites reported collecting and inputting data into the DOVES database, except for one that indicated that it lacked the resources to do so. The process for completing the DOVES forms and inputting the information typically involves Crowns, or a Crown secretary, completing their portion of the paper form and passing it along to the V/WAP office for the V/WAP worker, or in some cases the Domestic Violence Administrative Assistant (DVAA), to fill out V/WAP-related information. In most cases, the DVAA or another administrative support worker then transfers the information into the database. However, there are situations where due to lack of Crown time and administrative support, the V/WAP worker completes the DOVES form for both the Crown and V/WAP and inputs the information into the electronic database.

Stakeholders in most sites noted a backlog in DOVES forms or that DOVES data is not collected consistently for all domestic violence cases. There is currently no monitoring or reminder system in place. Some Crowns suggested that one reason for under-reporting is the difficulty for Crowns to remember to set aside domestic violence files so that the DOVES forms can be completed later, when they are handling potentially dozens of files covering a range of offences during that court session. Lack of time is also a factor contributing to backlog and inconsistent data collection. Stakeholders in all sites reported that they need administrative resources to input data into DOVES. Many noted that entering the data is time-consuming and strains V/WAP and Crown resources. Some questioned the utility of the data collected, directing specific comments at the required fields noting that they result in incorrect information being entered. Examples given were fields where the correct response code was not available or situations where the Crown had not provided complete information on the DOVES form. Those inputting data must then enter incorrect information in order to complete the DOVES form. In addition, the form does not collect sufficient detail. For example, it does not allow entering information for more than one charge per case, and it gives a skewed interpretation of the results, as it does not allow providing context for the chosen course of action.

Finally, a small number of stakeholders provided suggestions to improve the data entry process:

- ▶ Currently, the paper and electronic versions of the form are identical. However, because the database is not shared between V/WAP and Crown offices, the information must first be recorded on paper to later be entered by one person into the database. Completing the form on a bubble sheet and scanning the information into the system would eliminate one of these steps reduce the amount of time and resources spent entering DOVES data.
- ▶ Establishing a coordinated database between V/WAP and the Crown's office, so that Crowns could enter their information directly into the database, would also reduce the time and effort spent entering DOVES data.

4.7 Level of satisfaction and suggestions for improvements

4.7.1 Strengths and weaknesses in design and delivery

Strengths

Stakeholders identified several strengths in the design and delivery of the DVC Program. These strengths can be grouped into a number of areas, summarized below.

Coordination and collaboration

Community and justice stakeholders from all sites indicated that positive working relationships had been formed among criminal justice partners and community partners, resulting in increased cooperation and improved coordination of services and information-sharing. Stakeholders also indicated that the various partners now have an improved understanding of each other's roles and responsibilities and that a shared commitment to addressing domestic violence issues has been fostered.

Improvements to victims' experiences in the criminal justice system

Community and justice stakeholders from all sites noted that the DVC Program had improved victims' experiences in the criminal justice system. More specifically, stakeholders noted enhanced victim services, more opportunities for victims to provide input throughout the process, and the provision of more information to victims as strengths. Some stakeholders specified that V/WAP is particularly helpful in connecting victims with other services and ensuring that they feel heard. Other stakeholders indicated that the criminal justice system on the whole has become more respectful and considerate of victims and their concerns and that victim safety is now a central focus.

Specialized Crowns

Stakeholders in most of the sites indicated that having specialized Crowns was one of the system's strengths. These stakeholders noted that having designated DV Crowns promotes continuity and consistency in the prosecution of domestic violence cases and greater prioritization in bringing domestic violence matters before the court. In addition, designated Crowns have a good knowledge of the dynamics of domestic violence, which ensures that more appropriate approaches are taken.

Offender treatment and accountability

At least a few stakeholders in most of the sites, in particular probation and PAR contacts, indicated that offender treatment and accountability were strengths. More specifically, some said that zero tolerance and mandatory charging were useful in this regard, whereas others liked that EIP and the PAR program help to ensure accountability by giving offenders the opportunity to accept responsibility for their actions early in the process.

Heightened awareness of and focus on domestic violence

Stakeholders in about half of the sites indicated that one of the strengths of the DVC Program is that it has increased the focus on domestic violence and comprises a specialized response that ensures that domestic violence cases are taken seriously. A few stakeholders said that the DVC Program has heightened community awareness and promoted prevention and has laid the groundwork to improve the system's response to and recognize the complexity of domestic violence.

Enhanced police response and investigation

Several stakeholders in two of the sites identified enhanced police response and investigation as strengths. These stakeholders indicated that police officers are better trained and educated in the handling of domestic violence cases and therefore investigations have improved and officers are more sensitive to the needs of victims and more able to identify high-risk cases and make appropriate referrals.

Expedited case processing and resolution

In a couple of the sites, some of the contacts, in particular police and defence/duty counsel contacts, indicated that cases are treated with greater urgency and resolved more quickly. Contacts attributed this to EIP and to having a resolution Crown. A few stakeholders indicated that expediting cases minimized the negative impacts on families. However, most stakeholders believe that the DVC Program has not addressed delays in the system.

Weaknesses

A number of weaknesses in the design and delivery of the DVC Program were identified by stakeholders and are summarized below.

Lack of resources

Stakeholders from every site and from a variety of contact groups indicated that a lack of resources and funding is one of the weaknesses in the design and delivery of the DVC Program. Stakeholders noted that the shortage of resources has made providing an effective response challenging and has led to burnout among stakeholders. Some stakeholders indicated that Crowns do not have enough time to prepare for court, that a lack of police resources hinders investigations, and that there are sometimes waiting times for PAR and groups that are too large to be effective. Some pointed to the need for more court dates, judges, Crowns, V/WAP staff, and resources for PAR. Ensuring adequate coverage with a shortage of resources may be particularly challenging in sites with more than one courthouse.

Delays

In all sites, stakeholders noted delays in the court process, although they attributed this to different factors and proposed different solutions from site to site, based on the specific structure and operation of the DVC Program within their communities. Stakeholders noted delays in first appearances and long wait times for trials, which some said hinder successful prosecution, since

victims are more likely to want charges withdrawn, and compromise victim safety. In addition, a couple of stakeholders noted delays in agreeing upon bail variations. Depending on the site, stakeholders suggested the need for designated domestic violence courts or court days, for a more specialized domestic violence team, and for bail and pre-trials in domestic violence cases to be handled by specialized domestic violence Crowns or on designated days.

Lack of flexibility

In most sites, at least a few stakeholders indicated that the DVC Program's lack of flexibility is a weakness. Although stakeholders from a variety of contact groups across sites commented to this effect, this complaint was particularly common among defence and duty counsel. More specifically, stakeholders indicated that the system's rigidity sometimes hinders its ability to meet the needs of victims and offenders. Stakeholders indicated that mandatory charging and lack of police discretion were sometimes problematic and that vigorous prosecution did not always constitute an appropriate response. In addition, some stakeholders saw a lack of flexibility in terms of the system's ability to adjust to the particular circumstances of individual communities as a weakness.

Inconsistent response and lack of training

In contrast, at least a few stakeholders at nearly all sites indicated that the system's inconsistent response to domestic violence was a weakness. These stakeholders pointed to the need for greater consistency on the part of Crowns, police, and judges in their handling of domestic violence cases. Nearly all stakeholders attributed the inconsistency in response to a need for additional training and education for judges, police, and Crown.

Lack of communication, collaboration, and buy-in

In half of the sites, a few stakeholders indicated that communication, collaboration, and buy-in among stakeholders could be improved. These stakeholders indicated that improved communication is needed to address gaps, improve services, and ensure accountability. A few stakeholders suggested that the DVCAC be more proactive in this respect. In addition, some stakeholders perceived that certain stakeholders, in particular judges, did not appear to appreciate the value of the DVC Program and its principles in the criminal justice process.

Linkages between criminal and family courts are lacking

In half of the sites, some stakeholders noted that parties in domestic violence cases are often involved in both the DVC Program and Family Court, but that a lack of communication between the criminal and family courts often results in conflicting court orders.

Accessibility

In all of the sites, stakeholders indicated that lack of accessibility was a weakness. More specifically, these stakeholders noted that transportation can limit accessibility, that there is a lack of services for linguistically diverse and Aboriginal communities, and that, in some regions, there is limited access to counselling opportunities and V/WAP is not sufficiently accessible. Some FLSA sites also noted that they do not offer all DVC Program services in French (in

particular, the PAR program in Sault Ste. Marie). A few stakeholders noted a lack of services for children and for male domestic violence victims and that some services are not fully accessible to persons with physical or mental disabilities. (For a more detailed discussion, please see Section 4.1.7).

Need for more prevention

In a couple of sites, some stakeholders indicated that the DVC Program does not focus sufficiently on preventing domestic violence. More specifically, the DVC Program does not sufficiently address issues such as housing, child care, and finances that would facilitate victims' ability to remove themselves from abusive situations, nor does the PAR program accept voluntary admissions.

Other weaknesses

Other weaknesses mentioned by a few stakeholders included that EIP had not been implemented as intended, that little had actually changed since the implementation of the DVC Program, that the punishment for domestic violence remained too lenient, and that no mechanisms exist to allow closed-circuit testimony or videotaped testimony of victims, which is problematic because many victims are afraid of facing their abusers in court.⁸¹

4.7.2 Unwanted or unanticipated outcomes

Stakeholders from across regions named several unwanted or unanticipated outcomes of the DVC Program, both negative and positive. Overall, justice stakeholders were better able to identify these than were community stakeholders, likely because they have a more direct experience with the Program and are more aware of the Program's *expected* outcomes.

According to stakeholders, unwanted or unanticipated outcomes of the DVC Program generally relate to the workload, the impact of prosecution on the victim, and EIP. More specifically, regarding workload:

- ▶ There is general agreement across sites that the DVC Program has led to increased workloads, particularly for justice stakeholders. With these heavier workloads comes increased likelihood of stakeholder burnout, as domestic violence cases take longer to investigate, require more preparation to prosecute, and are emotionally charged. Crown and police, especially, experience much frustration when dealing with domestic violence cases. Domestic violence prosecutions are complex for a variety of reasons, including: lack of evidence, lack of time and resources, the need to maintain victim support for the prosecution, and varying judicial responses.
- ▶ Justice stakeholders in most sites also noted that there are more cases before the courts, causing further backlog, because of a perceived hesitance to exercise discretion among

⁸¹ As of January 2006, the *Criminal Code* has been amended to allow for closed-circuit or videotaped testimony of victims in some circumstances.

police and Crown, who are seen as being extra cautious and fearing backlash should they use their discretion in making decisions on a case.

Regarding the impact of prosecution on the victim:

- ▶ Prosecution can have a damaging impact on victims' and families' lives, as it is difficult for many victims to deal with finances, housing, and children on their own. In addition, the slow pace of the criminal justice process intensifies these pressures. Victims become frustrated with the system because it is not meeting their needs.
- ▶ Some victims have unrealistic expectations that the criminal justice system can provide them with the financial and social supports that they need. According to justice stakeholders, these high expectations cause further strain on criminal justice professionals, namely police, duty counsel, and Crowns.

Regarding the EIP:

- ▶ Some stakeholders believe that there has been an increase in the number of guilty pleas because of the DVC Program, as offenders want to benefit from EIP. While some stakeholders perceive this to be a positive outcome, others, particularly defence counsel, perceive it to be a negative outcome. According to these stakeholders, EIP places too much pressure on accused persons to plead guilty, thereby inappropriately labelling them as abusers. In contrast, stakeholders in other sites noted a lack of use of EIP because many accused prefer to delay the case as that increases the likelihood that the prosecution will not succeed, and because sentences in CP are no more harsh than those in EIP.
- ▶ Some offenders use EIP as a way to go home sooner, and not because they accept responsibility for the abuse. According to several justice and PAR stakeholders, this leads to an unfavourable dynamic within PAR groups.

A few stakeholders also noted that the extent to which children have become involved in the court system as witnesses, as well as the extent of training required for justice stakeholders, in particular police, to effectively carry out their work within the DVC Program are other unexpected outcomes of the Program. In addition, some community and justice stakeholders believe that the lack of discretion among police and Crown has led to less reporting of abuse by victims because they do not feel they have control over the process.

Finally, stakeholders identified a few positive unanticipated outcomes of the DVC Program. These include:

- ▶ Other agencies, such as community housing and Ontario Works, are now examining their processes with a view to improving their response to domestic violence.
- ▶ Overall, there is heightened awareness of and sensitivity to domestic violence by the public, as well as by criminal justice professionals.

- ▶ Enhanced relationships and communications between stakeholders, as well as a more serious approach to domestic violence cases, which are a result of the DVC Program, have boosted stakeholder morale.
- ▶ Demand for the PAR program is higher than expected in the larger sites. While several community and justice stakeholders see this as a positive outcome of the DVC Program, funding to support the demand is considered inadequate.

4.7.3 Level of satisfaction

Most stakeholders were neither fully happy nor fully unhappy with the DVC Program. Community and justice partners generally expressed satisfaction with some aspects of the program and dissatisfaction with others. However, defence lawyers were more likely than other stakeholders to show dissatisfaction overall, stating that the Program is too rigid and has removed all discretion from police and Crown on how to proceed with domestic violence cases.

Generally, stakeholders were satisfied with the Program because it represents a step in the right direction and has brought many positive changes to the justice system's response to domestic violence. Almost all stakeholders believe that services for victims have improved with the DVC Program. However, in one site, stakeholders commented that the DVC Program did not bring with it new resources for V/WAP and that therefore, services have not really been affected by the Program. Those stakeholders who believe that services have improved cited the following reasons:

- ▶ Victims have greater awareness of available services due to more outreach and the improved network of service providers.
- ▶ Victims are contacted earlier in the court process.

In addition, stakeholders pointed out that the DVC Program has brought attention to domestic violence as a social problem, has increased collaboration among justice and community partners, and has resulted in more understanding of domestic violence within the criminal justice system and in the community as a whole. According to stakeholder accounts, there is more cooperation among community and justice partners, including more protocols, which helps to build consistent levels of service and ensures that victims receive contact from more agencies. Finally, stakeholders indicated that support and information to victims has improved, which in turn has led to their having a voice in the process.

In contrast, stakeholders were disappointed with the level of resources afforded to the Program by the MAG, and with the lack of judicial involvement in the Program. Several stakeholders also believe that the Program does not adequately meet victim needs. One reason is that underlying issues such as financial needs, child care, and housing are not addressed. Secondly, the Program's inflexibility prevents it from adapting its response to the different situations that different victims find themselves in. Some stakeholders are dissatisfied with the Program's inability to hold offenders accountable and to deter repeat offenders. Finally, a few stakeholders said that a lack of support and direction from the Ministry to implement the Program was a source of frustration.

Victim satisfaction levels, according to stakeholders, appear to be improved though they remain mixed. Stakeholders indicated that victim satisfaction with the criminal justice system's response to domestic violence greatly depends on her or his expectations of how to deal with the case. Some victims are happy with the level of support and services they received and with the outcome of their cases, while others are not at all happy with the results and feel as though they did not have a say in how the situation was resolved.

4.7.4 Suggestions for improvement

Stakeholders provided many suggestions for improving the DVC Program. The most common are:

- ▶ Increase resource levels (financial and staffing) to allow justice and community stakeholders to adequately and effectively meet demands for service and to fulfill their roles and responsibilities within the DVC Program. In addition, funding formulas should better reflect the realities of the various communities in which the DVC Program is implemented.
- ▶ Additional domestic violence court days, courtroom space, and DV Crowns are required to reduce wait times and to process cases more efficiently.
- ▶ Increase education and training for all stakeholders and coordinate the training to ensure that everyone has the same understanding of each partner's roles and responsibilities. As well, stakeholders think that judges need more education about the cycle of domestic violence and about how components of the DVC Program work, such as the PAR program.⁸²
- ▶ Educate police officers and other stakeholders on the role of the SA/DV Treatment Centres so they become a more common referral.
- ▶ Extend the DVC Program to include bail court, set dates, first appearances, and pleas in all jurisdictions.
- ▶ Integrate a prevention and extensive public education component to the DVC Program to improve the recognition of abuse and to promote reporting of domestic violence.
- ▶ Enhance communication among stakeholders and establish more protocol/policies to streamline sharing information. Of particular concern were difficulties with sharing victim contact information, and stakeholders want to develop mechanisms so that victim confidentiality is protected but unnecessary barriers are removed.
- ▶ The Program should have more flexibility to allow communities to develop their own options, such as diversion programs, and to allow criminal justice professionals more discretion in how to handle cases (e.g., offer absolute discharge or peace bond as part of

⁸²

The judiciary did not participate in this research, and, therefore, information on training received by judges is not included in the evaluation findings.



EIP in appropriate cases). Greater flexibility allows the Program to be more responsive to the needs and wishes of victims, but stakeholders caution this must be done with steps taken to ensure victim safety, such as risk assessments and effective monitoring of probation conditions.

- ▶ Review the PAR program to reduce group sizes, ensure that offenders are held accountable for not attending the program, and develop a consistent process for assessing successful completion of the program.
- ▶ Review the process for collecting DOVES data to ensure the collection of meaningful and accurate information, and to improve the efficiency with which data is entered into the database.
- ▶ Include a cultural component, such as a healing circle, and address the lack of Aboriginal people working in the system to build the trust of the Aboriginal population.

Some stakeholders also offered suggestions for change at a more systemic level:

- ▶ Increase communication between family court and criminal court to ensure that court orders are consistent and reflect the needs of the family.
- ▶ Provide more assistance to help accused persons and victims who have mental health and/or substance abuse issues
- ▶ Address gaps in community services for victims, in particular financial and housing assistance, long-term counselling, more culturally sensitive and language-appropriate services, and services to male victims and the gay and lesbian community.



5.0 Conclusions and recommendations

This final section of the report summarizes the evaluation findings, draws conclusions, and provides recommendations.

Meeting program objectives

Improving services for victims

Providing information and services to victims. All lines of evidence used in the evaluation (victim and stakeholder interviews, file review, and database review) indicate that V/WAP has improved the provision of information and other services to victims. About nine-tenths (88%) of victims are contacted at some point in the case, and the amount of direct personal contact and frequency of contact with victims has increased with the implementation of the DVC. The proportion of victims receiving information from V/WAP on the criminal justice process and court documents or information on bail conditions appears to have increased with the implementation of the DVC Program. Most stakeholders (justice and community partners) across all of the sites reported that victims are generally well informed about the criminal justice process and the case against the accused and that this information most often comes from V/WAP. Based on victim interviews, about half of victims reported feeling well informed, a sizeable minority said they felt somewhat informed, and a few believe they were not at all informed. Overall, victim satisfaction with the services provided by V/WAP was generally high.

However, there are areas for improvement. Although the availability of contact information has increased for each fiscal period, the timeliness of contact is still likely affected by the fact that in about one-third of cases, victim contact information is not available prior to the first court appearance after bail. In addition, due to high case volumes and resource constraints, many sites rely more on victim initiative to maintain contact with V/WAP. Stakeholders generally believe that this situation of relying on the victim to maintain contact is imperfect. Follow-up after the incident is seen as critical to connecting victims with available services and helping them maintain their ability to participate in the prosecution.

Recommendation: Develop protocols with justice partners and community stakeholders that will facilitate the early contact of victims.

Recommendation: Ensure that necessary resources are made available to enable V/WAP to be more proactive in maintaining contact with victims.

Interviewing victims and receiving victim input. In many areas related to interviewing victims and receiving victim input, the DVC Program is showing progress. All of the focus sites had made provisions for assisting victims who want to meet with Crowns, and the proportion of victims being interviewed is increasing with 61% of victims interviewed in cases that went to trial in the most recent (partial) fiscal period. In about half of the cases where the victim was not interviewed, the victim either declined the interview or was otherwise unavailable. The majority of victims who are interviewed speak to a designated DV Crown, and this proportion increased to almost three-quarters in the last (partial) fiscal year. For guilty pleas, two-thirds of victims had provided input, largely through V/WAP. Over half of the victims interviewed had contact with the Crown, and of those, most said that they were treated fairly. However, the evaluation also

found a desire among about half of the victims interviewed for more contact with the Crown and more information from the Crown.

The evaluation found a lack of clarity around the timing and purpose of Crown interviews in Crown policy and Crown practice. Crown interviews indicate that not all Crowns are routinely interviewing victims before the day of trial, as some Crowns reported that they only routinely interview victims before the day of trial in complicated cases. In addition, Crown policy does not clearly establish expectations in the area of interviewing domestic violence victims, as it recommends that Crown interview victims shortly after charges are laid, yet at the same time emphasizes preparation for trial as the purpose of the interview. The evaluation was unable to obtain a complete understanding of Crowns' practices in interviewing victims because DOVES does not record when the victim interview occurred and defines a victim interview broadly (any victim meeting with a Crown whether in preparation for trial, input on a plea or a general information meeting); therefore, the timing and purpose of victim interviews are not clear from the available data.

Recommendation: Clarify and strengthen Crown policy on the purpose and timing of Crown interviews with victims.

Issues serving diverse communities. An objective of the evaluation was to consider the experiences of victims from diverse communities (Aboriginal people, ethnic and immigrant communities, persons with disabilities or other special needs); however, the evaluation encountered difficulties in enlisting victims. The evaluation relies, instead, on stakeholder reports of issues experienced by diverse communities.

Stakeholders in many of the sites identified cultural barriers as affecting the accessibility of DVC Program services. According to stakeholders who work with these communities, Aboriginal and ethnic/immigrant cultural communities see the DVC Program as having a middle-class, Anglo-Canadian perspective, which they find alienating. Suggestions to improve the Program included: hiring program staff who reflect the client population (particularly V/WAP, PAR and SA/DV Treatment Centre staff); conducting more outreach in diverse communities; providing more training for criminal justice professionals to help them gain a better understanding of other cultural beliefs and attitudes; and incorporating an Aboriginal component, such as healing circles or sweat lodges.

In terms of language barriers, most focus sites reported having few requests for interpreters. However, larger sites use the services more and raised issues with accessibility as well as underutilization by justice and community partners. Three focus sites are *French Language Services Act* (FLSA) designated areas. While two sites have French capacity in all three components, one does not offer a PAR program in French. Based on victim interviews, it is possible that the lack of use of French services in the focus sites (other than the largely francophone site) may be due to the poor quality of French spoken by service providers.

Sites also identified barriers for persons with physical disabilities and mental health issues: some satellite courthouses are not wheelchair accessible; main courthouses were considered accessible but not always convenient to those with disabilities (e.g., ramps at the furthest entrance or waiting rooms too small for wheelchairs to easily manoeuvre); and DVC Program services, in particular the PAR program, do not work well for persons with mental disabilities or mental illness.

Recommendation: Conduct intensive and ongoing outreach with diverse communities and consider the other suggestions presented by stakeholders in this evaluation: hire more diverse staff; provide diversity training to current staff; and look into service options that would provide an Aboriginal component.

Recommendation: Review the capacity of the DVC Program to fulfill its responsibilities under the FLSA. In particular, provide the necessary funds to enable the PAR program to provide services in French at FLSA-designated sites.

Recommendation: Review the accessibility of facilities used by DVC Program for persons with physical disabilities and consider methods to better support persons with mental disabilities or mental illness.

Accessibility issues. In addition to the accessibility issues around reaching victims from diverse communities mentioned above, stakeholders in all six sites identified geography and transportation as a major issue for all DVC Program services. For example, in rural or remote locations, even those with satellite courts, services are still limited as V/WAP workers and PAR programs are often not available on site, and accessing services requires the use of a car, which clients (victims and the accused/offender) may not have available to them. In urban jurisdictions, stakeholders pointed out that most agencies are located downtown. Reaching these agencies may require the use of public transit, and some clients cannot afford the fare.

Recommendation: Consider ways to improve access to the services provided by the DVC Program.

Gaps in services. While many stakeholders believe that services to victims have improved, they also identified some gaps in services to victims. In particular, they acknowledged that the criminal justice system is only a part of the network of supports required for victims of domestic violence. Stakeholders believe that gaps in community services affect victims' ability and/or desire to access justice services and participate in the prosecution. They think that a coordinated system should respond more directly to victim needs in a flexible and sensitive way through the provision of secondary supports, such as non-emergency housing, financial support, child care, and counselling services for victims.

Recommendation: The government should consider ways to provide more support to community organizations that serve victims of domestic violence, particularly in the areas of housing, financial support, counselling and child care.

Training. Most stakeholders have access to various training opportunities on domestic violence issues and the DVC Program. However, more training could be done with front-line officers who initially respond to the scene; stakeholders and victims still express concern that the response is too dependent on the officer involved. Other areas of potential improvement noted were: more formal training for V/WAP and PAR program staff; more training for PAR staff on the DVC Program and their role in it; more advanced training for Crown; and making training more accessible by promoting opportunities and trying to have more local training initiatives.

Recommendation: The Ministry needs to review current training offerings and:

- ▶ consider ways to support more local training initiatives on specialized skills development and collaboration
- ▶ ensure ongoing and advanced training
- ▶ include incentives and commendations for justice personnel who show leadership in using best practices identified in training.

Recommendation: Police services, which currently focus more on supervisor training, need to place more emphasis on training front-line staff in domestic violence issues.

Increasing victim safety and helping prevent re-victimization

Addressing victim safety. Stakeholders identified several ways in which the DVC Program addresses victim safety, including use of risk assessments, safety planning, and decisions on custody and conditions of release. There has been an increase in the use of a risk assessment type of tool, such as the Domestic Violence Supplementary Report (DVSR), since the DVC Program began. Stakeholders consider this tool helpful in ensuring completeness and consistency in domestic violence investigations as well as providing Crowns with information necessary to make a decision on bail. However, some stakeholders questioned its utility for assessing risk and others desired more training in how to use the information to assess risk effectively. The DVC Program also demonstrates its response to safety concerns in early decisions around detention and release. The evaluation findings show that accused have been less likely to be released at the police station or released on bail since the DVC began.

Stakeholders expressed concern with written revocable consent and its effect on victim safety. In particular, some stakeholders feared that victims are pressured either to provide consent or not to revoke it, and that it is unclear who holds the consent and monitors it when it is part of bail rather than probation. Sites handle written revocable consent in a variety of ways. Stakeholders also acknowledged that monitoring conditions in bail or probation is difficult and leaves a gap in victim safety.

Recommendation: Review the current risk assessment tools being used and consider how to better assess risk in domestic violence cases.

Recommendation: Develop best practices around the use and monitoring of written revocable consent.

Partner contact. Another key aspect of improving victim safety is the partner contact component of the PAR program. This component is critical as it supports victims while the offender is in the PAR program, and contact with the partner helps PAR staff know what issues to focus on during group sessions and how to evaluate the offender's progress. Information from the PAR program shows that the program is fulfilling its commitment on partner contact in terms of the number of contacts; however, PAR staff noted difficulties with obtaining contact information and notification from probation of PAR clients who have breached their conditions or re-offended.

Recommendation: Information-sharing among agencies is still an issue, and the MAG/justice partners need to take steps to address the issues and concerns around inter-agency provision of information.

Recidivism. While these measures show attempts to respond to concerns with victim safety, the best measure of having prevented re-victimization is a decline in reconvictions for domestic violence offences. A recent study by the Department of Justice Canada (DOJ) found that offenders who appeared in a DVC were less likely to be reconvicted of a domestic violence offence, but it did not find that the DVCs reduced the likelihood that an offender would commit any type of criminal offence (overall recidivism). The result on domestic violence reconvictions may be affected by the difficulties in categorizing offences as domestic violence because there was variability in flagging these cases. Therefore, the findings show that the DVC Program may have an effect on recidivism for spousal violence, but the result is not conclusive.

Holding offenders accountable

Enhanced investigations. In two-thirds (66%) of cases, police are gathering evidence in addition to victim testimony, which reflects an increase from pre-DVC practice. In particular, based on a review of pre- and post-DVC files, police are more often collecting 911 audio-tapes, pictures of the crime scene, and sworn videotaped victim statements. DOVES data show that where police have collected additional evidence, charges are less likely to be withdrawn and twice as likely to result in a finding of guilt.

While stakeholders believe that police response has improved, there is a feeling that it is still uneven in terms of both collecting evidence and being sensitive toward domestic violence issues and that the quality of the response is still too dependent on the officer involved. There is also the concern that due to limited resources and the time required for these investigations, police are not able to be as thorough. In addition, other justice partners and stakeholders worry that police enthusiasm is waning because of the effort of the investigations and the lack of results at the court level.

Recommendation: Police training should include data on the effect that collecting additional evidence has on case dispositions.

Prosecutions. Stakeholders almost unanimously think that the designation of DV Crowns is an improvement to the system because it allows Crowns to develop an expertise in handling DV cases, which makes them more effective in managing DV cases and more comfortable with exercising discretion. The evaluation findings show that this expertise is increasingly being used

at key points in the process, such as in handling guilty pleas and trials, although even with the increase, about half of trials are still handled by Crowns who were not designated DV Crowns at the time of the trial. However, Crowns and other stakeholders believe that DV Crowns are under-resourced and do not have adequate time to interview victims or thoroughly review all files.

Some Crowns expressed reservations about how Crowns receive the DV designation or the perception of the DV designation. Because Crowns are often assigned, they may not have an interest in working in this area, and turnover in DV Crowns is an issue at some sites. In addition, most DV Crowns are women, and some Crowns expressed concern that this gendered approach undermines the idea of DV teams and presents a system that appears biased toward a “female perspective” as in most cases female Crowns are assisting female victims. Finally, several Crowns reported that they believe that some judges are critical of how Crowns exercise their prosecutorial discretion. These Crowns think that judges sometimes perceive that the cases being pursued have no reasonable prospect of conviction. These Crowns believe that this perception has affected the judiciary’s impression of the entire DVC Program.

Recommendation: The Ministry should place higher value on the DV Crown designation. The DV Crown designation needs to be recognized in performance reviews.

Early Intervention Program. EIP was intended to have cases identified as low risk (no prior convictions for domestic violence-related offences, no significant harm to the victim, and no weapons used in the commission of the offence) become eligible for a process whereby the offender could enter an early guilty plea, have attendance at the PAR program added to bail conditions, and, after successful completion of PAR, receive a conditional discharge. The objectives of EIP are to encourage the offender to accept responsibility early in the court process and assist him with recognizing and ending abusive behaviour. The focus sites were divided about the effectiveness of EIP. Stakeholders in three sites generally did not find that EIP is operating as intended; in two sites, stakeholders reported that EIP is operating well; and in one site, stakeholders were divided. Stakeholders who are supportive of the program see merit in having EIP because it gives offenders the opportunity to express remorse, be accountable, and take steps toward resolving their problems early in the process. Another benefit cited by stakeholders is that EIP helps families to stay together, as it allows the offender and victim to have contact while the offender seeks help for the abuse. Statistics from ASRS (the PAR database) show that participants who enter through EIP are more likely to complete the program than those who enter through coordinated prosecution (88% compared to 70%).

Stakeholders (both justice and community partners) raised a number of different concerns with the EIP process in terms of effectiveness and/or consistency. First, some stakeholders questioned the criteria. Many “first-time offenders” have a long history of domestic violence, just not a conviction. Rather than basing the criteria on prior convictions, basing them on the risk to the victim would be more appropriate.

Second, the process appears to be underutilized because often circumstances operate to minimize the incentives for an accused person to accept EIP. According to stakeholders, some members of the bench fail to recognize all the objectives of EIP and, therefore, do not apply it consistently. Currently, offenders can receive the same (or even lesser) sentences after trial than if they plead

guilty through EIP. The lack of consistency in the judicial application of the sentencing principles in domestic violence cases as well as the delays in the criminal justice system, and the possibility that the victim may become worn down and recant, tends to encourage the accused to have a trial.

Third, some jurisdictions have adapted the usual EIP approach by using probation rather than bail conditions to order attendance at the PAR program. This means that offenders do not have to reappear in court to receive their sentence. Some stakeholders believe that while this may save a court appearance in most cases, it removes the incentive for completing PAR. Statistics kept in PAR's ASRS database do not indicate whether offenders entered EIP through probation or through bail so the evaluation could not determine whether EIP offenders entering through probation are less likely to complete than those entering through bail. This is an important issue for any review of the various approaches to EIP.

Fourth, in some EIP cases, courts are imposing and/or Crowns are agreeing to the use of other dispositions such as absolute discharges or peace bonds. While some stakeholders support this need for more flexibility in response, others worry about the lack of consistency.

Recommendation: The Ministry needs to conduct a comprehensive review of EIP with stakeholders to determine how best to approach these issues. Judicial input should be solicited.

Recommendation: Judicial education should include annual updates on any changes to the DVC Program; judges should be provided with information on the program components, how they operate, and their value to the court process; and judicial training should include Justices of the Peace.

PAR program. Offenders in both EIP and coordinated prosecution (CP) can be ordered into the PAR program. PAR is a critical component of the DVC Program as it responds directly to the behaviours that produce domestic violence and is intended to reduce recidivism. However, the evaluation findings show that only a small percentage of offenders enter PAR through bail (4%) and about one-third (36%) of offenders receive PAR as a condition of probation.⁸³ In fact, other counselling is ordered more frequently than the PAR program. Stakeholders reported that the program is underutilized: many judges do not order it or will simply order counselling at the discretion of the probation officer; and probation officers do not consistently refer to the PAR program, according to PAR staff.

While PAR program statistics show success in terms of completions, they define completions according to attendance, which is not a helpful measure. In addition, the PAR reports are not standardized, and there are inconsistencies in reporting among agencies, which makes the reports difficult to assess. The outside evaluation of the PAR program did find positive attitude changes among offenders who completed the program and determined that further research is needed to establish whether identified attitude changes are meaningful predictors of change in abusive behaviour.

⁸³ The DOVES results for offenders ordered into PAR as part of bail may be due to difficulties in interpreting the DOVES form.

Stakeholders identified many issues with the program. The format (group counselling only), the funding formula of the Ministry, the large size of groups in the larger sites, and the difficulties in receiving referrals have created accessibility issues. Some groups (women, same-sex partners, cultural/language groups) are not served at all or have long waiting periods, which works against the basic idea of EIP. In addition, the PAR program is designed for male offenders; given that 12% of offenders are female and are more likely to be acting in response to abusive behaviour by their partner, the PAR program content is not necessarily suitable, and other aspects of the program, such as the partner contact component, can put the female offender at risk.

Recommendation: Develop a protocol on referring domestic violence offenders to the PAR program when the court orders counselling at the probation officer's discretion.

Recommendation: Develop standardized completion reports and establish clear criteria for successful completion of PAR. Reports should make clear the basis of the assessment, and should be considered in decisions on sentencing or breaches.

Recommendation: Revisit the funding formula and program standards for the PAR program to ensure that there is enough flexibility for the program to address the needs of its clients.

Recommendation: Develop PAR curriculum for female offenders and consider how aspects of PAR should be modified in cases of female offenders (e.g., the partner contact component).

Case outcomes. When comparing case dispositions in the DVC Program to adult criminal cases generally, a higher proportion have a finding of guilt and a lower proportion have charges withdrawn. However, without a baseline, this finding cannot be attributed with certainty to the DVC Program as it may reflect a long-standing difference between domestic violence and all adult criminal cases in Ontario. One result that supports crediting the DVC Program with improving outcomes is the finding that where police have collected additional evidence, cases are less likely to be withdrawn and twice as likely to result in a finding of guilt.

Regarding sentences, most offenders receive probation, and about half receive incarceration. The file review indicates that while probation orders have remained consistent pre- and post-DVC, sentences with incarceration have increased since the DVC Program began (including sentences with incarceration in addition to time served). The DOJ recidivism study also found that a higher proportion of DVC offenders received a sentence of incarceration than non-DVC offenders. As noted earlier, probation conditions have increased with the DVC Program; in particular, non-association orders, no weapons, and other counselling.

Intervening early in domestic violence cases

In terms of assistance to victims, V/WAP is contacting almost all victims for whom they have contact information before the first court date (excluding bail). Many of the focus sites are attempting to contact the victim before bail as well. Therefore, the DVC Program is providing early contact with victims, and stakeholders commented that connecting victims with one service is critical because that service can then refer victims to a variety of other services to address their needs.

Only one-tenth of cases had accused ordered into EIP by bail or probation. In fact, more than half of accused screened as eligible for EIP did not enter EIP. Based on file review results, the most common reasons that an eligible accused did not enter EIP were that charges were withdrawn or the accused exercised the right to have a trial. These results, coupled with the concerns mentioned by stakeholders that some members of the bench may not recognize the objectives of EIP and that the current judicial application of the sentencing principles in domestic violence cases creates an incentive for the accused to go to trial rather than plead guilty and enter EIP, indicate that EIP is not operating as originally anticipated.

Regarding timeliness of the court process, the DVC Program fares favourably compared to the justice system generally (adult criminal cases more broadly). DVC cases take less time between first court appearance (excluding bail) and guilty pleas, trials, and dispositions. However, the file review shows that DVC cases are taking longer than pre-DVC cases and stakeholders believe that the DVC Program has not resulted in shorter times to trial for domestic violence cases. Stakeholders gave primarily three reasons for the continued backlog of cases. First, the court process is more complicated. Second, there is a lack of incentive for accused to enter EIP because courts often give similar sentences regardless of whether there has been a plea of guilt or a finding of guilty following a trial. Third, domestic violence cases often do not receive priority in scheduling and are included on dockets with other cases for at least some part of the criminal justice process (e.g., bail hearings, trials), so delays in domestic violence cases remain an issue. The question of whether the DVC Program has improved the timeliness of the court process remains an important area for further study.

To improve early intervention, most stakeholders support extending the DVC Program to bail court as the importance of extending services to victims at their early stage is considered critical (although pre-bail hearing contact is very difficult given the time lines, and expectations should not exceed what is possible) and having DV Crowns handle bail is considered vital to ensuring that release decisions are appropriately made.

Recommendation: Extend the DVC Program to bail court.

Improving coordination of services

Stakeholders in four of the six sites had primarily positive comments about the DVCAC. Two key features seem to delineate the satisfied sites from the others: the stakeholders believe that the DVCAC has a clear mandate and direction (e.g., they have developed terms of reference and protocols to facilitate collaboration and information-sharing); and they believe that the DVCAC is an effective forum for raising issues and finding solutions to present to those in authority. Stakeholders who are dissatisfied with the DVCAC often commented on its lack of a clear mandate or vision and said that it is ineffective, serving more as a forum for expressing frustrations than for finding solutions. They attributed this to the DVCAC's lack of any capacity to make changes.

Based on stakeholders' accounts, the coordination of services among some components is lacking. For example, stakeholders at four of the focus sites reported that the SA/DV Treatment Centres are underutilized by police because police either do not refer victims to the Centre or do not fully explain the nature of the services that the Centre offers. Because the Centres provide medical care, counselling, safety planning, and the collection of forensic evidence, this lack of use is considered to adversely affect services for victims as well as potentially limit the forensic evidence available to the prosecution. Another example is the coordination between probation and the other components. Some stakeholders believe that there is a gap in services between the pre- and post-sentencing phases and some victims do not receive the information from probation that they should. PAR programs also noted difficulties in getting probation officers to refer to them and inconsistencies by probation in notifying the PAR program of clients who have re-offended, which is important for both the program's counselling and partner contact responsibilities.

- Recommendation:** Sponsor annual co-leads conferences to provide ongoing support and training in DVC operations and the role and function of the DVCACs.
- Recommendation:** The DVCACs need to have senior people at the table who have the ability to influence and make local decisions.
- Recommendation:** Take active steps to encourage community-based organizations' participation in the DVCAC.
- Recommendation:** A review of the information in DOVES statistical reports should be part of DVCAC meetings.
- Recommendation:** Support DVCACs to promote effective coordination by providing resources such as best practice guidelines.

Implementation of the DVC Program

In general, stakeholders found that the DVC Program has resulted in the development of more positive working relationships among criminal justice and community stakeholders, resulting in increased cooperation and improved coordination of services and information-sharing. The DVC Program has improved services for victims and offers more opportunities for victims to obtain information and provide input. Designation of DV Crowns has promoted continuity and consistency in the prosecution of domestic violence cases, although some sites differ in their designation practices.

At the same time, the implementation of the DVC Program has not been consistent across the province and is different in each site. Part of this is of necessity. Stakeholders require flexibility to accommodate local issues, such as the size of sites, staffing requirements to respond to other aspects of the criminal justice system, and the available courtroom facilities. The Program must also respond to the individual needs of the victims and offenders in each case. As well, the Program must also operate appropriately within the broader criminal justice system accommodating itself to the principles of the conduct of a criminal case, understanding the principles of judicial independence, Crown discretion, and the rights of the offender. While keeping these considerations in mind, it is important that the sites continue to promote the basic principles of the DVC Program at every opportunity and that the Program establish clearer standards for service, so that, to the extent possible, there are consistent standards for the activities of each of the justice stakeholders.

Recommendation: Review the DVC Program to establish clearer guidelines and measurable expectations around program implementation while maintaining flexibility to allow the DVC Program to respond to varying needs.

Recommendation: Revitalize a mechanism to oversee and to provide a forum for inter-sectoral problem solving.

Resource issues

In general, stakeholders believe that domestic violence services, including the DVC Program, are under-resourced. Stakeholders pointed to the need for increased community resources (which is also discussed under “Accessibility issues” and “Gaps in services” above). In relation to DVC resources, stakeholders mentioned that even though there has been a significant increase in staff as a result of the DVC Program, Crown and V/WAP resources are stretched. In some of the larger sites, the demand for the PAR program was more than anticipated and they reported needing more funding for staff and/or for client spaces in the program.

Recommendation: Review resources allocated to the DVC Program to determine:

- ▶ whether designated resources are being used to deliver the Program
- ▶ whether additional resources or the reallocation of existing resources are required.

Monitoring the DVC Program

The administrative databases that collect information on the DVC Program require review and improvement. A review of DOVES and VicTrack showed that the information kept was incomplete and inconsistently recorded and some of the DOVES data appear to be inaccurate due to interpretation and data entry errors. Although sites can generate site-specific reports on-line, not all do so. Sites would benefit from receiving reports that demonstrate the use of the data submitted.

Currently, the DVC Program has very broad objectives that imply a broader system-wide effect when the Program actually targets improving the criminal justice system's response to domestic violence. For example, improving victim safety may be accomplished through a criminal justice response but also may be improved by funding more shelters.

Recommendation: Review of all databases (particularly DOVES and VicTrack) including data entry, training, and report generation to improve information management.

Recommendation: To assist future research, a domestic violence marker in the Integrated Court Offence Network (ICON) will allow for more accurate comparisons between domestic violence and non-domestic violence cases.

Recommendation: Review the DVC Program objectives to ensure they are attainable and set clear, measurable outcomes for each objective.



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EVALUATION OF THE DOMESTIC VIOLENCE COURT PROGRAM

Final Report – Volume II

July 5, 2006

Prepared for:

Ontario Ministry of the Attorney General

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APPENDIX A
LOGIC MODEL

DOMESTIC VIOLENCE COURT PROGRAM LOGIC MODEL

Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
1. To lessen the impact of crime by providing services to victims of domestic violence	Crown	Funding FTEs	<p>Victims are interviewed by DV Crowns to provide support to them through the court process</p> <p>Same DV Crown prosecutes case and interviews victim</p> <p>DV Crowns attends training sessions</p>	<p># of victims contacted</p> <p># of victims interviewed</p> <p># of victims who have same DV Crown interview and prosecute</p> <p># of DV Crowns trained</p>	<p>Victims have an opportunity to talk with the Crown before trial</p> <p>Victims feel better supported and prepared for trial</p> <p>DV Crowns feel that the training increased their understanding of the dynamics of domestic violence to support victims through the court process</p>	<p>% of victims who have an opportunity to talk with the Crown before trial</p> <p>% of victims who feel better supported and prepared for trial</p> <p>% of DV Crowns who feel that the training increased their understanding of the dynamics of domestic violence to support victims through the court process</p>	<p>DOVES</p> <p>Survey</p> <p>Survey</p>
	VWAP	Funding FTEs	<p>Provide victims (clients) with:</p> <ul style="list-style-type: none"> Information on the status of their case Information on the criminal justice process court orientation & preparation copies of court documents to Victims <p>Advocacy/liaison with crown and police. Provide client input to Crown & police.</p>	<p># of victims contacted by VWAP</p> <p># of clients who receive court orientation/prep</p> <p># of cases where client input has been provided to Crowns & police</p>	<p>Clients are contacted by VWAP</p> <p>Clients have an improved understanding of the criminal justice process</p> <p>Clients have an improved understanding of their individual case</p> <p>Client input is provided to Crowns and police</p>	<p>% of clients contacted by VWAP</p> <p>% of clients with improved understanding of the criminal justice process</p> <p>% of clients with an improved understanding of their individual case</p> <p>% of cases where client input has been provided to Crowns and police</p>	<p>DOVES</p> <p>Client Satisfaction Survey</p> <p>Survey</p> <p>DOVES</p>



Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
	VWAP		Provide crisis intervention, needs assessment, emotional support and ensure safety issues are addressed	# of client contacts direct client service hours	Clients feel that safety issues have been addressed	% of clients who feel that safety issues have been addressed	Survey
			Provide support for victims with specific needs (e.g. mental health, physical disabilities, language interpretation, hearing, visual)	# of clients with specific needs # of LI requests	Clients with special needs feel that these needs were respected during the court process Clients who need interpretation receive services required	% of clients with special needs who feel that these needs were respected during the court process % of LI requests met	Survey
			Refer clients to appropriate services Liaise with community agencies on behalf of a client	# of clients referred to community agencies	Clients are referred to community agencies	% of clients who were referred to community agencies	VWAP Quarterly Activity reports
			VWAP staff attend specialized DV training sessions	# of VWAP staff who attend training sessions on Domestic Violence	VWAP staff who received specialized training to support domestic violence victims are provided with better skills to perform their duties.	% of VWAP staff who received specialized training to support domestic violence victims who believe that the training provided them with better skills to perform their duties.	
			Victims contacted by VWAP at any point	# of victims contacted by VWAP	Victims are provided support at any point	% of victims are provided support at any point	DOVES

Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
2. To increase victim safety and help prevent re-victimization	PAR	Funding	Victims are contacted and safety issues are reviewed	# of attempts to contact victims	Victims contacted are provided safety planning information	% victims contacted who are provided safety planning information	ASRS*
			Victims provided safety planning information	# of victims contacted	Victims feel safer as a result of contact	% victims feel safer as a result of contact	Survey
			Victims referred to community resources	# of victims contacted who are provided safety planning information	Victims feel supported through the program	% of victims feeling supported through the program	Survey
				# of victims contacted who are referred to community resources	Victims contacted are referred to community resources	% of victims contacted who are referred to community resources	ASRS
				# of victims/partners who are provided French Language service	Victims report an increased understanding of what constitutes abusive behaviour	% of victims who report an increased understanding of what constitutes abusive behaviour	
				# of victims/partners who are provided Language Interpreter service	Victims who require service in French access		
					Victims who require interpretation receive services as required		



Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
3. To increase victim safety and help prevent re-victimization by holding offenders accountable	Crown	Funding FTE	DV cases prosecuted by DV Crowns Cases are prosecuted with evidence in addition to victim testimony Crown request PAR as a condition of sentence DV Crown attend training sessions	# of DV cases prosecuted by DV Crowns # of cases prosecuted with evidence in addition to victim testimony # of PAR referrals requested as a condition of sentence # of DV Crown training sessions	DV cases are prosecuted by DV Crowns Cases are prosecuted with evidence in addition to victim testimony PAR is requested by Crown Crowns who receive specialized training feel better equipped to prosecute DV offenders	% of DV cases prosecuted by DV Crowns % of cases prosecuted with evidence in addition to victim testimony % of cases in which PAR is ordered % of DV Crowns receiving specialized training who feel better equipped to prosecute DV offenders	DOVES DOVES
	PAR	Funding	Early Intervention offenders start the program within 30 days of intake Coordinated Prosecution offenders start PAR program within 30 days of intake PAR offenders complete 16 week groups	# of Early Intervention (EI) offenders who start program within 30 days of intake # of Coordinated Prosecution (CP) offenders who start group within 30 days of intake # of EI offenders who complete group # of CP offenders who complete group # of offenders discharged with legal cause # of offenders who are provided French Language service # of offenders who are provided Language Interpreter service # of offenders who are provided direct services in languages other than French and English and have not used LI service	Early Intervention offenders complete the program Coordinated Prosecution offenders complete the program Offenders are discharged for legal cause	% of Early Intervention offenders who complete the program % of Coordinated Prosecution offenders who complete the program % of offenders who are discharged for legal cause	% of Early Intervention offenders who complete the program % of Coordinated Prosecution offenders who complete the program % of offenders who are discharged for legal cause



Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
4.To Intervene Early in DV cases	Police	Funding	Police Services implement Police Response Model Police attend DV training sessions	# of police services in Ontario who have implemented the required Police Response Model # of DV police training sessions held	Police Services in Ontario have implemented full compliance with the Police Response Model Police who receive specialized DV training feel that have a better understanding of the dynamics of domestic violence and are better equipped to perform their duties	% of Police Services in Ontario who have implemented full compliance with the Police Response Model % of police who receive specialized DV training feel that have a better understanding of the dynamics of domestic violence and are better equipped to perform their duties	MSCS Policing Services Division Audit Survey
	Crown	Funding FTE	DV cases are prosecuted quickly	# of days from the charge to the disposition of DV cases	DV cases take less time (in days) to disposition than non DV cases	% of DV cases that take less time (in days) to disposition than non DV cases	DOVES ICON
	VWAP	Funding FTEs	VWAP contacts DV victim prior to accused first appearance in court, after bail (where contact information is available)	# of DV victims contacted prior to first accused's appearance	DV victims are contacted prior to accused's first appearance	% of DV victims who are contacted prior to accused's first appearance	DOVES
	Crown	Funding FTEs	Offenders who meet the criteria for Early Intervention are referred immediately post plea to a PAR program for service	# of early intervention immediate referrals to PAR programs	Early Intervention referrals are immediately referred to a PAR program post plea.	% of Early Intervention referrals who are immediately referred to a PAR program post plea.	DOVES
	PAR	Funding	Early Intervention referrals with a plea of guilt start in a PAR group within 30 days	# of EI referrals who start in a PAR group within 30 days	EI referrals start in a PAR group within 30 days.	% of EI referrals that start in a PAR group within 30 days.	ASRS



Objectives	Component	Inputs	Activities	Outputs	Outcomes	Outcome measures	Measurement strategy
5. Coordination of Services	All components include: Crown, VWAP, PAR, P&P Language Interpreters and Police		Local DVCAC meet to coordinate domestic violence justice services	# of DV sites that have DVCAC which meet on a scheduled basis # of DVCAC with community representation by stakeholder # of DVC sites with protocols	DVC sites that have DVCAC meet regularly. DVCAC's have full community representation	% of DVC sites that have DVCAC which meets regularly. % of DVCAC's with full community representation	Survey
			Local DVCAC meet to coordinate domestic violence justice services		DVC sites have protocols	% of DVC sites with protocols	Survey
			DVCAC develop and sign DV protocol		DVC program exists in all jurisdictions	% jurisdictions with DVC programs	Corporate records
		Funding	Expansion of the Domestic Violence Court Program to all court jurisdictions Specialized DVC process for all DV cases	# of DVC Programs # of DV convictions reduced	Incidence of domestic violence reduced by those who go through the DVC program	% reduction in domestic violence by those who go through the DVC program	



APPENDIX B
EVALUATION FRAMEWORK

Evaluation Framework for the Domestic violence court (DVC) program

Issues and questions	Potential indicators	Data sources
RATIONALE/RELEVANCE		
1. What aspects of how the justice system handled domestic violence was the DVC Program intended to address?	<ul style="list-style-type: none">• Program documents and academic literature• Key informant opinion	<ul style="list-style-type: none">• Document and literature review• Key informant interviews*
2. How closely does the DVC Program align with provincial objectives in addressing how the justice system handles domestic violence cases?	<ul style="list-style-type: none">• Comparison of DVC Program objectives to recommendations in the Joint Committee on Domestic Violence Report (1999) and May/Illes Coroner's July (1998)• Alignment with Domestic Violence Action Plan	<ul style="list-style-type: none">• Document and literature review
IMPLEMENTATION		
3. What services do DV victims receive from VWAP? What other types of services/assistance do DV victims need?	<ul style="list-style-type: none">• % of DV victims contacted by VWAP• % of DV victims who receive each type of service offered by VWAP (in six sites)• Key informant opinion• Victim opinion/experience	<ul style="list-style-type: none">• DOVES• VicTrack – site specific (unclear if VicTrack will be able to be part of the evaluation results)• File review• Key informant interviews• Victim interviews
4. Does VWAP provide services to DV victims in a timely manner?	<ul style="list-style-type: none">• % of DV victims where contact information was available who were contacted by VWAP prior to accused's first court date (excluding bail)• Key informant opinion• Victim opinion/experience	<ul style="list-style-type: none">• DOVES• Key informant interviews• Victim interviews
5. What information is provided to DV victims during the criminal justice process? Does the information provided fully inform DV victims about the criminal justice process in general or the status of the case against their accused? What additional information do DV victims want/need to receive?	<ul style="list-style-type: none">• % of DV victims who receive different types of information (in six sites)• Victim opinion/experience• Key informant opinion	<ul style="list-style-type: none">• VicTrack – site specific (unclear if VicTrack will be able to be part of the evaluation results)• Victim interviews• Key informant interviews• File review
6. Does the DVC Program ensure that DV victims/partners with specific needs, such as mental health issues, physical disabilities, language interpretation, or hearing or visual impairment receive adequate support?	<ul style="list-style-type: none">• Victim opinion/experience• Key informant opinion	<ul style="list-style-type: none">• Victim interviews• Key informant interviews

* Key informants include all or some of the following: Crown, police, VWAP staff, DVCAC members, judiciary, PAR staff, probation officers, community stakeholders, language interpreters, and other criminal justice professionals. Please note that not all key informants will be expected to address each question.

**Throughout the framework, victim includes both male and female victims.



Evaluation Framework for the Domestic violence court (DVC) program

Issues and questions	Potential indicators	Data sources
7. Is the DVC Program meeting its legislated requirements under the <i>French Language Service Act</i> to provide service in French equal to that in English?	<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
8. Does the DVC Program have specially designated Crown prosecutors in each jurisdiction?	<ul style="list-style-type: none"> • # of specially designated Crown prosecutors in each jurisdiction • Key informant opinion 	<ul style="list-style-type: none"> • Document review (DVC staff lists) • Key informant interviews
9. Are criminal justice professionals (Crown, police) and VWAP staff involved in the DVC Program receiving training in domestic violence? Does the DV training improve their understanding of DV and their ability to effectively assist victims? Does it make Crown prosecutors better equipped to prosecute DV offenders? *** Does it make police better equipped to investigate DV cases?	<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
10. Are DV cases handled by designated DV Crown prosecutors?	<ul style="list-style-type: none"> • % of DV cases where DV Crown interviews victim • % of cases prosecuted at trial by DV Crown • % of DV cases where same Crown interviews victim and prosecutes case • % of DV cases where DV Crown or non-DV Crown acting on instructions of DV Crown takes guilty plea • Key informant opinion • Victim opinion/experience 	<ul style="list-style-type: none"> • DOVES • Key informant interviews • Victim interviews • File review
11. Are Crown prosecutors using the Early Intervention Program (EIP) model that results in a guilty plea and participation in the Partner Assault Response Program? Are they using the Coordinated Prosecution (CP) Process that moves toward a trial for the accused? How do stakeholders (e.g., Crown prosecutors, VWAP, judges, police, community stakeholders) view the way the criteria are being used to determine EIP/CP cases?	<ul style="list-style-type: none"> • % of cases where accused is eligible for EIP • % of cases where accused enters into EIP • % of cases in CP • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews • File review • DOVES
12. Do Crown prosecutors and police effectively collaborate in preparing DV cases for prosecution?	<ul style="list-style-type: none"> • % of DV cases where police collected evidence in addition to victim testimony • Key informant opinion • Victim opinion/experience 	<ul style="list-style-type: none"> • DOVES • Key informant interviews • Victim interviews • File review

*** Throughout the framework, offender includes both male and female offenders.



Evaluation Framework for the Domestic violence court (DVC) program

Issues and questions	Potential indicators	Data sources
13. How do Crown prosecutors involve victims in DV cases (e.g., keeping victim updated, interviewing victim, providing court preparation)?	<ul style="list-style-type: none"> % of DV victims who are interviewed by Crown % of DV case where Crown received victim input prior to guilty plea Key informant opinion Victim opinion/experience 	<ul style="list-style-type: none"> DOVES Key informant interviews Victim interviews File review
14. Are police using enhanced investigative procedures in DV cases, including the use of a risk indicator tool and videotaping victim statements?	<ul style="list-style-type: none"> % of police services that have implemented the Police Response Model % of cases where police collected evidence in addition to victim testimony Key informant opinion 	<ul style="list-style-type: none"> MCSCS Policing Services Division Audit DOVES File review Key informant interviews
15. What activities does the DVC Program undertake to improve victim awareness of potential safety issues and promote victim safety? Are these activities effective in protecting victim safety? What other actions are necessary to increase victim safety?	<ul style="list-style-type: none"> # of victims contacted by PAR % of victims contacted who are given safety planning information % of victims contacted who are referred to community resources Key informant opinion Victim opinion/experience 	<ul style="list-style-type: none"> ASRS VicTrack – site specific (unclear if VicTrack will be able to be part of the evaluation results) Key informant interviews Victim interviews
16. Under the DVC Program, are offenders receiving the assistance they need to prevent re-victimization and increase victim safety?	<ul style="list-style-type: none"> % of DV cases where PAR is ordered % of offenders who are discharged for legal cause % of Coordinated Prosecution cases where Crowns request PAR as part of sentence % of Coordinated Prosecution cases where PAR is ordered Key informant opinion Victim opinion/experience 	<ul style="list-style-type: none"> DOVES ASRS Key informant interviews Victim interviews File review
17. Are local Domestic Violence Court Advisory Committees (DVCACs) fully functioning?	<ul style="list-style-type: none"> # of DV sites that have DVCACs that meet on a regular basis # of DVCACs that have full community representation # of DV sites with DV protocols Key informant opinion 	<ul style="list-style-type: none"> Document review (e.g., minutes of DVCAC, member lists) Key informant interviews
18. How have the DVCACs assisted in the implementation of the DVC Program?	<ul style="list-style-type: none"> Key informant opinion 	<ul style="list-style-type: none"> Key informant interviews
19. What has been the DVCACs' role in coordination and information sharing among local justice and community partners?	<ul style="list-style-type: none"> Key informant opinion 	<ul style="list-style-type: none"> Key informant interviews



Evaluation Framework for the Domestic violence court (DVC) program

Issues and questions		Potential indicators	Data sources
20. Are there any challenges in administering the DVC Program?		<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
21. Have there been any impediments to fully implementing the DVC Program?		<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
PROGRAM EFFECTIVENESS/OUTCOMES			
22. How satisfied are DV victims with their experience in the DVC Program? How did their experience compare with their expectations concerning the treatment of their case by the DVC system and staff? (If applicable) How satisfied are DV victims with the services they received in French?		<ul style="list-style-type: none"> • Victim opinion/experience 	<ul style="list-style-type: none"> • Victim interviews
23. How satisfied are other stakeholders (e.g., Crown prosecutors, V/WAP, judges, police, community stakeholders) with the DVC Program?		<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
24. To what extent has the DVC Program improved the coordination among criminal justice professionals, including victim services and PAR? To what extent has the DVC Program enhanced coordination between community and justice partners? What is the effect of this coordination?		<ul style="list-style-type: none"> • Key informant opinion 	<ul style="list-style-type: none"> • Key informant interviews
25. To what extent has the DVC Program contributed to increasing victim safety (e.g., through justice system outcomes, services for victims and offenders, and/or coordination of community and justice partners)?		<ul style="list-style-type: none"> • Recidivism rates in DVC Program compared to national baseline and/or provincial rates prior to the 2001 DVC Program expansion • Key informant opinion • Victim opinion/experience 	<ul style="list-style-type: none"> • Literature review • Key informant interviews • Victim interviews
26. What are the most common outcomes of DV cases? Has the DVC Program changed the way the justice system handles DV cases and affected outcomes?		<ul style="list-style-type: none"> • Time to disposition for DV cases • % of DV cases with guilty pleas before trial • % of DV cases with findings of guilt • % of cases with peace bonds • Key informant opinion 	<ul style="list-style-type: none"> • DOVES • Key informant interviews • File review



Evaluation Framework for the Domestic violence court (DVC) program

Issues and questions	Potential indicators	Data sources
IMPROVEMENTS/ALTERNATIVES		
27. Are there any improvements to the design and delivery of the DVC Program that would increase its effectiveness or efficiency in handling DV cases?	<ul style="list-style-type: none"> • Key informant opinion • Victim opinion/experience • Program documents and academic literature 	<ul style="list-style-type: none"> • Key informant interviews • Victim interviews • Literature review
28. Are there any alternatives to the DVC Program that would be more effective in improving the criminal justice system's response to domestic violence? What approaches have other provinces or countries taken when designing and implementing specialized domestic violence court programs?	<ul style="list-style-type: none"> • Key informant opinion • Academic literature 	<ul style="list-style-type: none"> • Key informant interviews • Consultant analysis • Literature review



APPENDIX C
STAKEHOLDER INTERVIEW GUIDES

Interview guide – Community stakeholders

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Services for victims

1. Have services for victims changed since the introduction of the DVC Program? Please consider such issues as the kinds of services offered, number of victims being contacted, at what point in the process they are being contacted, the number of victims receiving services, and any other changes you have noticed. In your opinion, are any of these changes due to the DVC Program?
2. When thinking about the types of services provided to domestic violence victims in your jurisdiction, do you see any gaps in services?
3. In your opinion, what are the typical reasons why some victims do not use V/WAP or other victim services?

Implementation – General issues

4. Considering the various components of the DVC Program, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe: enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ services for victims
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).

5. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
6. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
7. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
8. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and V/WAP handle dual charges)
9. **[Ask only in FLSA designated areas]** The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
 - ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
10. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
11. How does the DVC Program in your jurisdiction keep victims informed about their cases or about how the criminal justice process works? Are there any kinds of information that victims should be receiving and are not?
12. What does the phrase "victim safety" mean to you? How does the DVC Program address victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
13. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Domestic Violence Court Advisory Council (DVCAC) and coordination

14. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
15. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
16. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners (Probe: how is it involved with other coordinating committees)? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
17. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; the police; probation and parole; the Crown; PAR; and/or court services? If yes, how can collaboration be improved?

Administration and management

18. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

19. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

20. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR

- ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
21. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
22. Overall, how satisfied are you with the DVC Program? What have you observed about victims' satisfaction with the DVC Program?
23. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
24. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings) Are there any alternatives to the DVC Program that you would suggest?
25. Do you have any other comments?

Interview guide – Court managers

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Court manager

1. How is court scheduling handled for domestic violence cases in your jurisdiction? (Probe: is there dedicated court time for domestic violence)
2. Were you or your predecessor or other court services staff consulted prior to the implementation of the DVC Program? If yes, what issues did you raise? Were these addressed in the design of the DVC Program?
3. What impact does the DVC Program have on court services resources? In particular, does early intervention, which contemplates a bail variation at the time of the plea, have an effect on your resources?
4. Have there been opportunities for court staff to learn about domestic violence and the DVC process? Please describe.

Implementation – General issues

5. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe (if not already covered): enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)

- ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).
6. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
7. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
8. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and Victim/Witness Assistance Program (V/WAP) handle dual charges)
9. **[Ask only in FLSA designated areas]** The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
- ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
10. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
11. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Domestic Violence Court Advisory Council (DVCAC) and coordination

12. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
13. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?

14. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
15. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; the police; probation and parole; the Crown; and PAR. If yes, how can collaboration be improved?

Administration and management

16. Are your roles and responsibilities in the DVC Program clear? Why or why not?
17. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

18. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

19. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
20. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
21. Overall, how satisfied are you with the DVC Program?

22. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
23. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
24. Do you have any other comments?

Interview guide – Crown

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Crown

1. How many designated domestic violence Crowns are there in your jurisdiction? How does the designation work? (Probe: are the DV Crowns solely designated to DV Court; do per diem Crowns handle DV cases; do DV Crowns handle all aspects of DV cases assigned to them) What are the advantages and disadvantages of the current method of designation? (Probe: is designation of Crowns an improvement)
2. In your experience, is there continuity in the Crown that handles domestic violence cases? If not, at what point in the process is the Crown likely to change?
3. About what proportion of domestic violence cases are not conducted by DV Crowns? Under what circumstances would cases not be conducted by DV Crowns?
4. Do Crowns routinely (more often than not) interview victims? In what circumstances would victims not be interviewed?
5. Are police routinely (more often than not) collecting evidence that can be used in addition to victim testimony? If yes, what kinds of evidence? (Probe: obtaining 911 tapes; videotaped victim statements; photographs of injuries) Are there any barriers to police collecting or the Crown using this evidence? Is this evidence useful in court? Can this additional evidence be used in place of victim testimony? If not, why not?
6. What are the main barriers to a successful Crown prosecution in domestic violence cases? (Probe: witnesses recant, do not appear, other) Based on your experience, in what percentage of cases are these factors present? Has this changed with the DVC Program?

Implementation – General issues

7. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe (if not already covered): enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).
8. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
9. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
10. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
11. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and V/WAP handle dual charges)
12. [Ask only in FLSA designated areas] The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
 - ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?

13. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
14. How does the DVC Program in your jurisdiction keep victims informed about their cases or about how the criminal justice process works? Are there any kinds of information that victims should be receiving and are not?
15. What does the phrase "victim safety" mean to you? How does the DVC Program address victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
16. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Training

17. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve as a result of this training? Why or why not? How have you used this training in your job?

Domestic Violence Court Advisory Council (DVCAC) and coordination

18. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
19. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
20. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
21. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; the police; probation and parole; PAR; and/or court services. If yes, how can collaboration be improved?

Administration and management

22. Are your roles and responsibilities in the DVC Program clear? Why or why not?
23. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.
24. Who is involved in inputting information into DOVES? Are there any challenges to entering information into DOVES? Do you have any suggestions for improving the process of data reporting?

Rationale

25. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

26. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
27. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
28. Overall, how satisfied are you with the DVC Program? What have you observed about victims' satisfaction with the DVC Program?
29. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
30. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
31. Do you have any other comments?

Interview guide – Defence and Duty Counsel

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Defence and duty counsel

1. Have you noticed a change in the way domestic violence cases are investigated by police and/or prosecuted by Crown since the DVC Program began? Please explain.
2. Has the DVC Program affected how defence counsel represent someone accused of domestic violence? Please explain.
3. To your knowledge, have your clients' experiences in the Partner Assault Response (PAR) program been successful (i.e., they completed the program, they have not reoffended, they found the program useful)?

Implementation – General issues

4. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
5. From the perspective of defence counsel, does the DVC Program appropriately consider victim input? (Probe: input on bail conditions; written revocable consent and revoking consent; withdrawing charges or varying non-communication orders; sentencing)
6. Describe how early intervention (where accused pleads guilty and is ordered into the Partner Assault Response, or PAR, Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
7. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and the Victim/Witness Assistance Program (V/WAP) handle dual charges)

8. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services?
9. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

**Domestic Violence Court Advisory Council (DVCAC) and coordination
(Ask if are on DVCAC)**

10. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
11. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
12. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)

Administration and management

13. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

14. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

15. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial



- ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
16. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
17. Overall, how satisfied are you with the DVC Program?
18. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
19. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
20. Do you have any other comments?

Interview guide – Language interpreters

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Language interpreters

1. Have your services for assisting domestic violence victims or accused been in greater demand since the DVC Program began?
2. What DVC related service providers do you provide language interpreter services for? Do any providers request your services more often than others?
3. In your opinion, do service providers generally request your services when they are needed? If not, what do you think are the reasons for language interpreter services being under-utilized?
4. Are there any accessibility issues with victims or accused obtaining your services? In particular, are there sufficient language interpreters to meet the current demand in your area? Thinking of the various languages used in your area, to your knowledge, are there any gaps in the languages covered by the language interpreter service?

Implementation – General issues

5. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe: enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)

- ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based).
6. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
7. **[Ask only in FLSA designated areas]** The French Language Service Act guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
- ▶ Victim/Witness Assistance Program (V/WAP)
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
8. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
9. How does the DVC Program in your jurisdiction keep victims informed about their cases or about how the criminal justice process works? Are there any kinds of information that victims should be receiving and are not?
10. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Domestic Violence Court Advisory Council (DVCAC) and coordination

11. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
12. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
13. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)

Administration and management

14. Are your roles and responsibilities in the DVC Program clear? Why or why not?
15. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

16. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

17. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
18. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
19. Overall, how satisfied are you with the DVC Program? What have you observed about victims' satisfaction with the DVC Program?
20. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
21. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
22. Do you have any other comments?

Interview guide – Partner Assault Response program

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Partner Assault Response program

1. Briefly describe how PAR is implemented in your jurisdiction.
2. What information is provided to partners by the PAR program? (Probe: types of information, number of contacts, when provided) Are partners routinely (more often than not) contacted?
3. How has the DVC Program affected your caseload? Are there any delays or waiting periods for the offender in beginning the Program after it has been ordered?
4. What policies and procedures do you have for reporting on the accused's progress, completion, and/or breaches?
5. How does the partner contact component of PAR affect the results for the offender and for the victim?

Implementation – General issues

6. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe (if not already covered): enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ victim services (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)

- ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).
7. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
8. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
9. [Ask only in FLSA designated areas] The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
- ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
10. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
11. What does the phrase "victim safety" mean to you? How does the DVC Program address the issue of victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
12. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Training

13. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve as a result of this training? Why or why not? How have you used this training in your job?



DVCAC and coordination

14. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
15. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
16. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
17. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; police; probation and parole; the Crown; and/or court services. If yes, how can collaboration be improved?

Administration and management

18. Are your roles and responsibilities in the DVC Program clear? Why or why not?
19. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

20. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

21. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR



- ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
22. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
23. Overall, how satisfied are you with the DVC Program? What have you observed about the satisfaction of the victims of domestic violence with the DVC Program?
24. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
25. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
26. Do you have any other comments?

Interview guide – Police

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Police

1. Are police routinely (more often than not) collecting evidence that can be used in addition to victim testimony? If yes, what kinds of evidence? (Probe: obtaining 911 tapes; videotaped victim statements; photographs of injuries) Are there any barriers to the police collecting or the Crown using this evidence?
2. Has your police department incorporated the model police response to domestic violence into its policies? Which elements have been implemented, and which have not? What are the barriers, if any, to fully implementing the model response?
3. Do police routinely (more often than not) use a risk indicator tool, such as the Domestic Violence Supplementary Report Form? If not, why not? How has the use of risk assessment tools affected the domestic violence cases that you have worked on?

Implementation – General issues

4. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).

5. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
6. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
7. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
8. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and V/WAP handle dual charges)
9. **[Ask only in FLSA designated areas]** The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
 - ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
10. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
11. How does the DVC Program in your jurisdiction keep victims informed about their cases or about how the criminal justice process works? Are there any kinds of information that victims should be receiving and are not?
12. What does the phrase "victim safety" mean to you? How does the DVC Program address victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
13. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.



Training

14. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve as a result of this training? Why or why not? How have you used this training in your job?

Domestic Violence Court Advisory Council (DVCAC) and coordination

15. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
16. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
17. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
18. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; probation and parole; the Crown; PAR; and/or court services. If yes, how can collaboration be improved?

Administration and management

19. Are your roles and responsibilities in the DVC Program clear? Why or why not?
20. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

21. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

22. Based on your observations, what impact (positive or negative) has the DVC Program had on:
- ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
23. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
24. Overall, how satisfied are you with the DVC Program? What have you observed about victims' satisfaction with the DVC Program?
25. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
26. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
27. Do you have any other comments?



Interview guide – Probation and Parole

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – General issues

1. What policies and procedures does probation and parole have for domestic violence cases?
2. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment on:
 - ▶ police practices/procedures in domestic violence investigations (Probe (if not already covered): enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).
3. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?

4. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
5. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
6. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and V/WAP handle dual charges)
7. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services?
8. What does the phrase "victim safety" mean to you? How does the DVC Program address victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
9. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Training

10. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve as a result of this training? Why or why not? How have you used this training in your job?

Domestic Violence Court Advisory Council (DVCAC) and coordination

11. Have the organizations/agencies on the DVCAC been consistently active members since the DVCAC began?
12. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?



13. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
14. Are there any barriers to your office sharing information or working with V/WAP; SADV treatment centres; other victim services or community organizations; police; the Crown; PAR; and/or court services. If yes, how can collaboration be improved?

Administration and management

15. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

16. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

17. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
18. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?

19. Overall, how satisfied are you with the DVC Program?
20. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
21. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
22. Do you have any other comments?



Interview guide – Sexual Assault/Domestic Violence Treatment Centres

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Services for victims

1. Briefly describe the services you offer as part of the DVC Program.
2. How are victims of domestic violence made aware of your services? (Probe: Who tells them about these services, and when are they typically given this information?)
3. In your opinion, do the police generally request your services when they are needed? If not, what do you think are the reasons for the treatment centre being under-utilized?
4. Are there any accessibility issues with victims or accused obtaining your services?

Implementation – General issues

5. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe: enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown)
 - ▶ services for victims (Probe: have the types of services or number of victims receiving services changed; any gaps in services)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ language interpreters (Probe: what service is used and accessibility of service).

6. What does the phrase “victim safety” mean to you? How does the DVC Program address victim safety? Are there other actions necessary to improve victim safety?
7. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Training

8. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve after this training? Why or why not? How have you used this training in your job?

Domestic Violence Court Advisory Council (DVCAC) and coordination

9. Have the organizations/agencies in the DVCAC been consistently active members since the DVCAC began?
10. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
11. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
12. Are there any barriers to your office sharing information or working with with V/WAP; other victim services or community organizations; the police; probation and parole; the Crown; PAR; and/or court services. If yes, how can collaboration be improved?

Administration and management

13. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.

Rationale

14. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

15. Based on your observations, what impact (positive or negative) has the DVC Program had on:
 - ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
16. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
17. Overall, how satisfied are you with the DVC Program?
18. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
19. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV Court include bail hearings)
20. Do you have any other comments?

Interview guide – Victim/Witness Assistance Program

The evaluation of the Domestic Violence Court (DVC) Program responds to a commitment made by the government in its Domestic Violence Action Plan to evaluate and improve the Program. PRA Inc., an independent research firm, has been hired to conduct the evaluation of the DVC Program.

This interview should take about one hour and, with your permission, will be tape-recorded to ensure the accuracy of information reported. The information that you provide will be reported in aggregate form; individual responses will not be shared outside of PRA. All tape recordings will be erased at the end of the evaluation.

We realize that you may not have the personal knowledge required to answer some of the questions. Please let us know if you cannot answer a question.

Implementation – Services for victims

1. Have services for victims changed since the introduction of the DVC Program? Please consider such issues as the kinds of services offered, number of victims being contacted, at what point in the process they are being contacted, the number of victims receiving services, and any other changes you have noticed. In your opinion, are any of these changes due to the DVC Program?
2. When thinking about the types of services provided to domestic violence victims in your jurisdiction, do you see any gaps in services?
3. In your opinion, what are the typical reasons for why some victims do not use V/WAP or other victim services?

Implementation – General issues

4. Considering the components of the DVC Program other than your own, how have they been implemented in your jurisdiction? In particular, please discuss any of the following areas for which you believe you have sufficient knowledge to comment:
 - ▶ police practices/procedures in domestic violence investigations (Probe: enhanced investigative techniques; use of risk assessment tool; model police response to domestic violence)
 - ▶ designated Crown (Probe: how does designation work; is there continuity of Crown; do Crowns routinely interview victims)
 - ▶ court scheduling of domestic violence cases (Probe: dedicated court time for domestic violence)
 - ▶ Partner Assault Response (PAR) program (Probe: accessibility; when contact victims and how keep them informed)
 - ▶ case management for probation and parole
 - ▶ Sexual Assault/Domestic Violence (SADV) treatment centres (hospital-based)
 - ▶ language interpreters (Probe: what service is used and accessibility of service).

5. Has the DVC Program affected the operations of courts in your jurisdiction? (Probe: has the DVC Program had an effect on any backlog issues) If yes, in what ways?
6. How does the DVC Program ensure that victim input is considered? When during the process is victim input solicited? What are the barriers, if any, to receiving victim input? (Probe: input on bail conditions; written revocable consent and any difficulties in revoking consent; withdrawing charges or varying non-communication orders; sentencing)
7. Describe how early intervention (where accused pleads guilty and is ordered into the PAR Program) and coordinated prosecution (where there is no early plea agreement and the case is moved to trial) operate in your jurisdiction. What is your opinion about how each is working?
8. About what proportion of domestic violence cases have dual charges? How does the DVC Program respond to dual charges? (Probe: how does Crown vet cases for early intervention; how do PAR and V/WAP handle dual charges)
9. **[Ask only in FLSA designated areas]** The *French Language Service Act* guarantees French-speaking citizens in the 24 designated regions of Ontario access to government services in French that are comparable to those provided in English in terms of timeliness, accessibility and quality. Is the DVC Program meeting its legislated requirements to provide services in French equal to those in English for the following:
 - ▶ V/WAP
 - ▶ Police services
 - ▶ PAR program
 - ▶ Crown prosecutions
 - ▶ Court services?
10. How has the DVC Program (V/WAP, police services, PAR, Crown, and court services) responded to issues of accessibility, such as language or cultural barriers, mental or physical disabilities, geography, or other specific needs that may affect victims' or their partners' ability to access services? (Probe: cultural sensitivity to Aboriginal peoples)
11. How does the DVC Program in your jurisdiction keep victims informed about their cases or about how the criminal justice process works? Are there any kinds of information that victims should be receiving and are not?
12. What does the phrase "victim safety" mean to you? How does the DVC Program address victim safety? (Probe: identifying risk factors, safety planning, in sentencing protocol) Are there other actions necessary to improve victim safety?
13. Are there any fundamental weaknesses in the design and delivery of the DVC Program? What are its strengths? In your answer, please consider all components of the DVC Program.

Training

14. What training in domestic violence issues have you taken? Who offered the training? Did your knowledge of the DVC Program or of domestic violence improve as a result of this training? Why or why not? How have you used this training in your job?

Domestic Violence Court Advisory Council (DVCAC) and coordination

15. When was the DVCAC in your jurisdiction established? How often does it meet?
16. What organizations/agencies are represented on the DVCAC? Have these groups consistently been active members since the DVCAC began?
17. Are there any organizations/agencies that should be on the DVCAC but are not? Which ones, and why are they not involved?
18. How has the DVCAC been involved in promoting coordination and information sharing among local justice and community partners? (Probe: how is it involved in other coordinating committees) How has it assisted in the implementation of the DVC Program? (Probe: has it developed any terms of reference or DV protocols that give the roles, responsibilities, and accountability levels for the DVC Program)
19. Are there any barriers to your office working together or sharing information with SADV treatment centres; other victim services or community organizations; the police; probation and parole; the Crown; PAR; and/or court services. If yes, how can collaboration be improved?

Administration and management

20. Are your roles and responsibilities in the DVC Program clear? Why or why not?
21. How do the current resource levels affect the implementation and delivery of the DVC Program? Please consider funding, staffing, and facilities/equipment in your response and be as specific as possible about the effects of resource levels.
22. What percentage of your time is spent on DVC cases and the operation of the DVC Program?
23. Who is involved in inputting information into DOVES? Are there any challenges to entering information into DOVES? Do you have any suggestions for improving the process of data reporting?

Rationale

24. Based on your knowledge of the DVC Program, what are its goals and objectives? (Prompt: to lessen the impact of crime by providing services to domestic violence victims; to increase victim safety and help prevent re-victimization; to hold offenders accountable; to intervene early in DV cases; to ensure coordination of DV services) In your opinion, will these goals and objectives address the most important issues in how the justice system responds to domestic violence? Why or why not?

Program effectiveness/outcomes

25. Based on your observations, what impact (positive or negative) has the DVC Program had on:
- ▶ the reporting of abuse to authorities
 - ▶ services for victims of domestic violence and accessibility of those services
 - ▶ police investigations of domestic violence
 - ▶ prosecutions of domestic violence, including the number of matters that go to trial
 - ▶ coordination among criminal justice professionals, including Crown, police, V/WAP, and PAR
 - ▶ coordination of community and justice partners
 - ▶ holding the offender accountable/outcomes of cases
 - ▶ victim safety (Probe: through justice system outcomes; services for victims and offenders, and/or coordination of community and justice partners)?
26. Are there any other areas in which the DVC Program has had an impact (positive or negative) on the way the justice system handles domestic violence cases?
27. Overall, how satisfied are you with the DVC Program? What have you observed about victims' satisfaction with the DVC Program?
28. Has the DVC Program had any unwanted or unanticipated consequences or outcomes?
29. What changes, if any, to the DVC Program would make it more effective in achieving its objectives? (Probe: should DV court include bail hearings)
30. Do you have any other comments?

APPENDIX D
FILE REVIEW TEMPLATE

File Review Data Form

1. Circle one: Post-DVC Pre-DVC 2. Coder: _____

3. Site:

\pm_1 L'Orignal \pm_2 Halton/Milton \pm_3 Newmarket \pm_4 Owen Sound \pm_5 Sault Sainte Marie \pm_6 Toronto – College Park

4. Police force:

\pm_1 Main municipal \pm_2 Other municipal \pm_3 OPP **5. Assigned Crown:** _____

Summary details

6. Information # _____ 7. ICON # _____

8. Defendant's name _____ 9. DOB _____ 10. Gender \pm_1 Male \pm_2 Female
mm / dd / yyyy

11. Victim's name _____ 12. DOB _____ 13. Gender \pm_1 Male \pm_2 Female
mm / dd / yyyy

14. Were both parties charged? \pm_1 Yes \pm_0 No _____ \pm_8 Can't determine

15. Number of incidents included in file _____

Important dates

16a. Offence (use date for latest incident) _____ ±₈₈ Can't determine
mm / dd / yyyy

16e. 1st appearance (FA) _____ ±₈₈ Can't determine
mm / dd / yyyy

16b. Offence reported (if different from date of offence) _____ ±₈₈ Can't determine

16f. Pre-trial (PT) _____ ±₈₈ Can't determine

16c. Bail (BH) _____ \pm_{88} Can't determine 16g. Trial (date occurred) _____ \pm_{88} Can't determine
mm / dd / yyyy mm / dd / yyyy

16d. Plea	_____ ± ₈₈ Can't determine mm / dd / yyyy	16h. Disposition (date of sentencing or withdrawal of charges)	_____ ± ₈₈ Can't determine mm / day / yyyy
-----------	---	---	--

Details of incident

17. Relationship with accused

\pm_{01} Spouse	\pm_{05} Boyfriend
\pm_{02} Former spouse	\pm_{06} Girlfriend
\pm_{03} Common law partner	\pm_{07} Ex-boyfriend
\pm_{04} Former common law partner	\pm_{08} Ex-girlfriend
\pm_{66} Other (specify) _____	

	Yes	No	Can't determine
Many of the details will be in Domestic Violence Supplementary Report			

18. Did the accused have prior conviction(s)? \pm_1 \pm_0 \pm_8

If yes... 19. Were any for physical violence? \pm_1 \pm_0 \pm_8

If yes ... 20. Were any for domestic violence? \pm_1 \pm_0 \pm_8

21. Was a weapon used in this offence? (*likely in police notes*) \pm_1 \pm_0 \pm_8

21a. Specify weapon _____

22. Did the victim have visible injuries? (*likely in police notes*) \pm_1 \pm_0 \pm_8

22a. What were the injuries?

$$\pm_{01} \text{ Bruises/redness} \quad \pm_{02} \text{ Cuts/no stitches} \quad \pm_{03} \text{ Cuts/stitches} \quad \pm_{04} \text{ Broken bones}$$

±₆₆ Other (specify)

23. Did victim seek medical attention? (*likely in police notes*) \pm_1 \pm_0 \pm_8

24. Was 911 called? (*likely in police notes*) \pm_1 \pm_0 \pm_8



Investigation

25. Did police collect additional evidence? *Likely found in Domestic Violence Supplementary Report for evidence*

±₀₀ No additional evidence collected

±₀₁ Videotaped victim statement

±₀₅ Pictures of victim's injuries

±₀₂ Audiotaped victim statement

±₀₆ Pictures of crime scene

±₀₃ Written, signed victim statement

±₀₇ Obtain victim consent to release of medical records

±₀₄ Witness statement(s)

±₀₈ 911 audiotape ordered

±₆₆ Other (specify) _____

±₈₈ Can't determine

26a. Witnesses: # of witnesses (excluding victim) _____

26b. # of witness statements _____ (should be less than 26a)

26c. Of witness statements, how many were police officers: _____

Yes

No

Can't determine

27. Did police complete a Domestic Violence Supplementary Report or other risk assessment tool? (form by this name would appear in Crown brief)

±₁

±₀

±₈

28. What was the police detention decision?

±₀₁ Released, promise to appear (PTA – Form 10)

±₀₃ Held for a bail hearing (judicial interim release)

±₀₂ Released on undertaking with conditions (Form 11.1)

±₀₄ Released on summons

±₆₆ Other _____

±₈₈ Can't determine

Bail hearing

29. Outcome of bail hearing (check one) (Note to researcher: bail hearing (BH) may be noted in file on multiple days because it is held over. Look for result in last BH before 1st appearance. If nothing is noted, were likely released)

±₀₁ Not released/Detention order (DO) SKIP TO CHARGING AND OUTCOME INFORMATION

±₀₂ Recognizance (with or without deposit – Form 32 or, in earlier files Form 32.1, but note that this form may be a peace bond too, so be careful – check dates; if is around date of BH is recognizance)

±₀₃ Undertaking to appear (Form 12)

±₀₄ Unknown type, other release

±₆₆ Other _____

±₇₇ Not applicable

±₈₈ Can't determine

30. Conditions of judicial interim release (check all that apply)

±₀₁ Keep specified residence

±₀₆ Non-association with the victim

±₀₂ Non-association with other witnesses

±₀₇ Do not go within certain distance of victim's home

±₀₃ Go with police or third party to pick up belongings

±₀₈ Third party access to children

±₀₄ Abstain from alcohol

±₀₉ Not to possess firearm

±₀₅ Keep the peace and be of good behaviour

±₁₀ Curfew

±₆₆ Other (specify) _____

±₈₈ Can't determine

31. Were the conditions varied? (if yes check all that apply)

±₀₀ No

±₀₁ Yes, with Crown consent

±₀₃ Yes, upon victim request

±₀₂ Yes, without Crown consent

±₀₄ Yes, accused request

±₆₆ Yes, by other (specify) _____

±₈₈ Can't determine

Yes

No

Can't determine

32a. Was non-association with victim condition varied?

±₁

±₀

±₈

32b. Was PAR added as a bail condition?

±₁

±₀

±₈

33a. Did the defendant breach bail?

±₁

±₀

±₈

33b. (if yes) number of times _____

Charging and outcome information

Original charge(s): Indicate the number of counts for each of the original charges laid

For disposition: (Use the following codes)

- PG** (plead guilty)
PNGFG (plead not guilty, found guilty)
NG (plead not guilty, found not guilty)
W/D (withdrawn or dismissed)
S (stayed) and indicate the number of counts for each type of disposition.

34a. Original charge(s) (indicate number of counts)		35. Disposition – should sum to original number of counts (indicate number of counts below – should sum to original number of counts)					Reduced charge (specify)
Charge	Number of counts	PG	PNGFG	NG	W/D	S	
Murder (CC 229)	_____	_____	_____	_____	_____	_____	_____
Attempted murder (CC 239)	_____	_____	_____	_____	_____	_____	_____
Aggravated assault (CC268)	_____	_____	_____	_____	_____	_____	_____
Assault with a weapon (CC267 (2))	_____	_____	_____	_____	_____	_____	_____
Assault causing bodily harm (CC 267 (1))	_____	_____	_____	_____	_____	_____	_____
Sexual assault (CC 271)	_____	_____	_____	_____	_____	_____	_____
Common assault (CC 266)	_____	_____	_____	_____	_____	_____	_____
Criminal harassment (CC264)	_____	_____	_____	_____	_____	_____	_____
Uttering threats (CC 264.1)	_____	_____	_____	_____	_____	_____	_____
Damage to property/mischief (CC 430)	_____	_____	_____	_____	_____	_____	_____
Breach of probation (CC 733.1)	_____	_____	_____	_____	_____	_____	_____
Breach of undertaking (CC 145 (3))	_____	_____	_____	_____	_____	_____	_____
Failure to appear (CC 145 (4))	_____	_____	_____	_____	_____	_____	_____
Other (specify, one per line)	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
34b. Added charges:	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Can't determine</u>
36. Was case disposed of by a peace bond?	± ₁	± ₀	± ₇	± ₈
36a. Were all charges withdrawn?	± ₁	± ₀	± ₈	± ₈

36b. (if yes, note the reason)

- ±₀₁ Lack of evidence
 ±₀₂ Victim withdrawal/recantation (Crown would likely note "no RPC"- reasonable probability of conviction)
 ±₀₃ Peace bond (CC 810)
 ±₆₆ Other (specify) _____
 ±₈₈ Can't determine

Charging and outcome information (continued)

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Can't determine</u>
37a. Were all charges stayed?	\pm_1	\pm_0	\pm_7	\pm_8
37b. (if yes, note the reason) _____				
\pm_{01} Lack of evidence				
\pm_{66} Other (specify) _____				
\pm_{88} Can't determine				

	<u>Yes</u>		<u>No</u>	<u>N/A</u>	<u>Can't determine</u>
(For cases where there was a trial)					
38. Did victim testify?	\pm_1	\pm_2 Unsure, but subpoena issued	\pm_0	\pm_7	\pm_8

Sentence

39. What was the sentence?

\pm_{01} Incarceration (specify length in days) _____	\pm_{05} Absolute discharge
\pm_{02} Incarceration – time served (specify length in days) _____	\pm_{06} Conditional discharge
\pm_{03} Probation (specify length in months) _____	\pm_{07} Suspended sentence
\pm_{04} Fine (specify amount) \$ _____	\pm_{08} Conditional sentence
\pm_{66} Other (specify) _____	
\pm_{88} Unknown	

40. Conditions of probation (**other than** treatment conditions):

\pm_{01} Non-association with the victim	\pm_{05} Reside at place approved by probation officer
\pm_{02} Abstain from alcohol	\pm_{09} Third party access to children
\pm_{03} DNA order	\pm_{10} Not to possess firearm/weapons
\pm_{04} Keep the peace and be of good behaviour	\pm_{11} Non-association with others named by probation officer
\pm_{12} Do not go within certain distance of victim's home	
\pm_{66} Other (specify) _____	

41. Did sentence include a **treatment condition**?

\pm_{00} No treatment/counselling condition	
\pm_{01} Substance abuse treatment	
\pm_{02} Abusive men's program (PAR)	
\pm_{03} General counselling condition (unspecified) at discretion of probation	
\pm_{04} Anger management treatment	
\pm_{66} Other: _____	

42. Write wording of condition: _____

Early intervention

	<u>Yes</u>	<u>No</u>	<u>Can't determine</u>
43. Was the case eligible for early intervention? (this may be noted on the charge screening form)	\pm_1	\pm_0	\pm_8
44. Was the case assigned to early intervention?	\pm_1	\pm_0	\pm_8

45. (if no) Why not?

\pm_{01} Accused refused EIP	\pm_{02} Crown opted for CP
\pm_{66} Other: _____	
\pm_{88} Unknown	

Partner Assault Program (PAR closing report should be in Crown brief)

	<u>Yes</u>	<u>No</u>	<u>Can't determine</u>
46. Was PAR ordered? (see bail or sentencing sections above)	\pm_1	\pm_0	\pm_8
(if yes)			
47a. When did offender begin program? _____ month / day / year			
\pm_{88} Can't determine date			
47b. When did offender complete program: _____ month / day / year			
\pm_{77} N/A – did not complete \pm_{88} Can't determine date			
(if N/A, did not complete program)			
48. Reasons why _____			

\pm_{88} Can't determine			

V/WAP file

	<u>Yes</u>	<u>No</u>	<u>Can't determine</u>
49. Was victim contacted by V/WAP? (this may be in Crown brief too)	\pm_1	\pm_0	\pm_8
50. (if yes) By what method?			
\pm_{01} Mail \pm_{02} Telephone \pm_{03} In person			
\pm_{66} Other (specify) _____			
51. Number of contacts with V/WAP _____ (look at Victrack notes, do not simply count ticked boxes)			
52. Services received (check all that apply – use Victrack notes as well as listing of services provided)			
\pm_{01} Information on criminal justice process			\pm_{07} Referrals to community agencies
\pm_{02} Court orientation and preparation			\pm_{08} Court accompaniment
\pm_{03} Sent victim impact statement			\pm_{09} Court documents or information on bail conditions
\pm_{04} Safety planning information			\pm_{10} Input on sentencing
\pm_{05} Input on bail hearing			\pm_{11} Discussed ministry policy
\pm_{06} Information on case against accused (court dates, guilty pleas)			\pm_{12} Joint session with Crown and victim
			\pm_{13} Provided brochures (e.g., Tips for Witnesses)
\pm_{66} Other (specify) _____			
53. Was a language interpreter required?	\pm_1	\pm_0	\pm_8
(if yes) 54. Language _____			
55. Did V/WAP provide memos to the Crown about any of the following:			
\pm_{01} Bail hearing (check dates to see if form submitted at this time)			
\pm_{02} Withdrawal request			
\pm_{03} Conditions for probation			
\pm_{66} Other (specify) _____			
56. Number of memos that convey victim input to Crown _____			
57. Is VIS in file? (could be on provincial form or in form of letter)	\pm_1	\pm_0	\pm_8

APPENDIX E
VICTIM INTERVIEW GUIDE

Location _____

INTERVIEW GUIDE FOR VICTIMS

BEFORE YOU BEGIN:

**IF YOU DO NOT HAVE A SIGNED CONSENT FORM FOR INTERVIEWEE,
PLEASE PROVIDE CONSENT FORM FOR SIGNATURE.**

I'd like to thank you for helping us with this study of the Domestic Violence Court Program. The program is intended to improve the justice system's response to domestic violence, and the Ministry of the Attorney General wants to see how well the program is working and how it might be improved. I work for an independent research firm called PRA Inc., which is conducting this study for the Ministry.

Before we begin, I would like to remind you that your participation in this interview is completely voluntary. If I ask you a question that you don't want to answer, please let me know and we will move on to another question. Also, you can end the interview at any time.

We want you to know that your confidentiality is important to us. The information you provide will only be reported in a summary of approximately one hundred interviews and will not contain any information that might identify you or your case. If, however, you tell me about a recent or ongoing criminal offence that you have not reported to the authorities or any immediate concerns for your safety or your children's safety, your confidentiality cannot be guaranteed and the authorities may be contacted.

Before we begin, do you have any questions or concerns?

I'd like to discuss with you today the most recent incident of domestic violence where the case against the accused has been completed either by a guilty plea, a conviction, a finding of not guilty, or the charges being withdrawn or stayed.

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

I'd like to begin with a few background questions about the incident.

1. Do you know the outcome of the case we will be discussing today?
±₀₁ Charges dropped/withdrawn
±₀₂ Plead guilty
±₀₃ Convicted at trial
±₀₄ Found not guilty at trial
±₆₆ Other (specify) _____
±₈₈ Don't know ±₉₉ No response
2. In what year did the incident occur? _____ (year) ±₈₈₈ Don't know ±₉₉₉ No response
3. What was your relationship with the accused (or offender if plead guilty or convicted) at the time of the incident?
±₀₁ Spouse
±₀₂ Former spouse
±₀₃ Common law partner
±₀₄ Former common law partner
±₀₅ Boyfriend
±₀₆ Girlfriend
±₀₇ Ex-boyfriend
±₀₈ Ex-girlfriend
±₆₆ Other (specify) _____
±₈₈ Don't know ±₉₉ No response

[INTERVIEWER: USE THIS DESCRIPTOR WHEN REFERRING TO ACCUSED/OFFENDER]

4. Do you recall what charges were laid against your _____ [insert response to Q3]?
±₀₁ Assault causing bodily harm
±₀₂ Assault with a weapon
±₀₃ Common assault
±₀₄ Uttering threats
±₀₅ Criminal harassment
±₀₆ Sexual assault
±₀₇ Attempted murder
±₆₆ Other (specify) _____
±₈₈ Don't know ±₉₉ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

Response of police

I'd like to ask you some questions about the response of the police.

5. How soon after the incident were the police contacted? *(READ OPTIONS)*

\pm_1 During incident

\pm_2 Within one hour

\pm_3 More than one hour but same day

\pm_4 2-3 days

\pm_5 4-5 days

\pm_6 More than one week

\pm_8 Don't know

\pm_9 No response

6. What did the police ask you when they arrived? _____

\pm_{88} Don't know

\pm_{99} No response

7. Did you feel that the police understood what happened?

\pm_1 Yes

\pm_0 No

\pm_8 Don't know

\pm_9 No response

8. What did the police tell you about what you should do? _____

\pm_{88} Don't know

\pm_{99} No response

9. What did they tell you about what they were going to do? _____

\pm_{88} Don't know

\pm_{99} No response

10. Was the accused still at the scene?

\pm_1 Yes (go to Q10a)

\pm_0 No (go to Q11)

\pm_8 Don't know

\pm_9 No response



10a. [If accused was still at the scene] What did the police do with him/her?

\pm_{01} Defused the situation

\pm_{02} Removed the suspect

\pm_{03} Held suspect in custody

\pm_{66} Other (specify) _____

\pm_{38} Don't know

\pm_{99} No response

11. After the police responded, did you feel safer? Why or why not?

\pm_1 Yes

\pm_0 No

\pm_8 Don't know

\pm_9 No response

11a. Explain _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.



12. Did you make any type of formal statement to the police? *(READ OPTIONS)*
 ±₁ Written and signed
 ±₂ Videotaped
 ±₃ Audiotaped ±₃ Don't know ±₉ No response
- 12a. Why or why not? _____

13. In general, do you feel that the police treated you fairly?
 ±₁ Yes ±₀ No ±₂ Mixed ±₃ Don't know ±₉ No response
- 13a. Why or why not? _____

14. In your opinion, should the police have done anything differently?
 ±₁ Yes ±₀ No ±₃ Don't know ±₉ No response
- 14a. Explain _____

Victim services

The next several questions ask about services that you might have received.

15. Did you have any contact with the Victim/Witness Assistance Program?
(INTERVIEWER: Explain that this service is connected to the court. There may also be a separate victim services connected to the police. We are not asking about it)
 ±₁ Yes (go to Q15a) ±₀ No (go to Q15b) ±₃ Don't know ±₉ No response
 ▼ ▼
- 15a. [If yes] Who told you about the Victim/Witness Assistance Program?
 ±₀₁ Police ±₆₆ Other _____

 ±₃₈ Don't know ±₉₉ No response
- 15b. [If no] Why not?

 ±₃₈ Don't know ±₉₉ No response
- If no contact with V/WAP, go to Q36**

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

- 

Please read each question carefully and check (✓) or write in the appropriate response.

26. Did the Victim/Witness Assistance Program ask you about your safety concerns?
☐ Yes ☐ No ☐ Don't know ☐ No response
27. Did they ask you what bail or probation conditions you wanted?
☐ Yes ☐ No ☐ Don't know ☐ No response
28. Did they tell you that they would convey your comments and concerns to the Crown?
☐ Yes ☐ No ☐ Don't know ☐ No response
29. Did you have any trouble using the services offered by the Victim/Witness Assistance Program?
(INTERVIEWER: Use options below as prompts if needed)
☐ Yes ☐ No (go to Q30)
- ▼
- 29a. ☐ Had to wait to see them
☐ Office is difficult to get to
☐ I do not have a phone
☐ Hours are inconvenient
☐ Other (specify) _____
☐ Don't know ☐ No response
30. Did you feel that the Victim/Witness Assistance Program understood you and your situation?
☐ Yes ☐ No ☐ Don't know ☐ No response
- 30a. Explain _____

31. Were you satisfied with the assistance that you received from the Victim/Witness Assistance Program?
☐ Yes ☐ No ☐ Don't know ☐ No response
- 31a. Why or why not? _____

32. What kinds of assistance were most helpful? _____

☐ Don't know ☐ No response
33. Was there any help you needed that was not available? _____

☐ Don't know ☐ No response
34. In general, do you feel that the Victim/Witness Assistance Program staff treated you fairly?
☐ Yes ☐ No ☐ Mixed ☐ Don't know ☐ No response
- 34a. Why or why not? _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

35. In your opinion, should they have done anything differently?
☐ Yes ☐ No (go to Q36) ☐ Don't know ☐ No response

35a. Explain _____

36. Sometimes people who have received injuries that require medical treatment are referred to a special hospital-based program that provides medical treatment to victims of domestic violence, crisis support and information, assistance in safety planning, and referrals to other services. In your community, that program is _____ [fill in blank with Centre's name from list below].

Did you receive medical attention after the incident?

- ☐ Yes ☐ No (go to Q38)

- 36a. If yes, were you referred to _____ [fill in blank with Centre's name from list below]?
☐ Yes ☐ No (go to Q38) ☐ Don't know ☐ No response

Owen Sound	The Sexual Assault/ Domestic Violence Care Centre at the Grey Bruce Regional Health Centre
Sault Ste. Marie	The Sexual Assault/Partner Assault Clinic
College Park	The Sexual Assault/Domestic Violence Care Centre at the Sunnybrook and Women's College Health Sciences Centre
Newmarket	The Domestic Abuse and Sexual Assault Care Centre at York Central Hospital
Halton	Nina's Place at Joseph Brant Hospital in Burlington
L'Orignal	[need to determine if we would go to Ottawa – will ask co-leads]

37. Did you go?
☐ Yes (go to Q37a) ☐ No (go to Q37c) ☐ Don't know ☐ No response

37a. [If yes] Were you satisfied with the services you received?

- ☐ Yes (go to Q37b) ☐ No (go to Q37b) ☐ Don't know ☐ No response

37b. Why or why not? _____

37c. [If no to Q37] Why didn't you go to the Centre? _____

☐ Don't know ☐ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.



38. Did you receive any other community services for victims of crime?
☐ Yes (go to Q38a) ☐ No (go to Q39) ☐ Don't know ☐ No response
- 38a. What were these services? _____

 _____ ☐ Don't know ☐ No response
- 38b. How did you find out about them?
☐ Police
☐ V/WAP
☐ Police Victim Services
☐ Other (specify) _____
 _____ ☐ Don't know ☐ No response
- 38c. Were you satisfied with these services?
☐ Yes ☐ No ☐ Don't know ☐ No response
- 38d. Why or why not? _____

Language/special services

I'd like to ask a few questions about additional services that you might have received.

39. Did you require any special services, such as a language interpreter or help with a mental health issue or physical disability?
☐ Yes (go to Q40) ☐ No (go to Q44)
40. [If yes] Please describe the services you received.
☐ Language interpreter (specify language) _____
☐ Help with a mental health issue (type of help) _____
☐ Help with a physical disability (type of help) _____
☐ Other (specify) _____
 _____ ☐ Don't know ☐ No response
41. How did you find out about these services?
☐ V/WAP ☐ Other (specify) _____
 _____ ☐ Don't know ☐ No response
42. Were you satisfied with these services?
☐ Yes ☐ No ☐ Don't know ☐ No response
- 42a. Explain _____

43. Do you feel that the people in the criminal justice system understood and accepted your need for these services?
☐ Yes ☐ No ☐ Don't know ☐ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

44. What is your first language spoken and still understood?
 ±₁ English (go to Q50) ±₂ French ±₃ French and English
 ±₆₆ Other _____ ±₈ Don't know ±₉ No response

44a. [If other to Q44] What official language do you most often speak at home?
 ±₁ English (go to Q50) ±₂ French ±₈ Don't know ±₉ No response

45. Did you desire services in French?
 ±₁ Yes ±₀ No (go to Q45a) ±₈ Don't know ±₉ No response

45a. [If no] Why not? _____

Go to Q50, once Q45a answered.

46. What services did you receive in French? (READ OPTIONS)

For each service they received in French ask Q46a.

		46a. Did you have to ask for services in French or were they offered to you?		
		Had to ask	Offered	Other
None	± ₀₀			
Victim/Witness Assistance Program	± ₀₁	± ₀₁	± ₀₂	_____
Crown	± ₀₂	± ₀₁	± ₀₂	_____
Partner Assault Response Program	± ₀₃	± ₀₁	± ₀₂	_____
Police	± ₀₄	± ₀₁	± ₀₂	_____
Judicial services	± ₀₅	± ₀₁	± ₀₂	_____
Other _____	± ₆₆	± ₀₁	± ₀₂	_____
Other _____	± ₆₆	± ₀₁	± ₀₂	_____
Don't know	± ₈₈			
No response	± ₉₉			

47. Were there any services that you wanted in French but did not receive?
 ±₁ Yes ±₀ No (go to Q48) ±₈ Don't know ±₉ No response



47a. What services were not received?

- ±₀₁ Victim/Witness Assistance Program
- ±₀₂ Crown
- ±₀₃ Partner Assault Response Program
- ±₀₄ Police
- ±₀₅ Judicial services
- ±₆₆ Other (specify) _____

±₈₈ Don't know ±₉₉ No response

48. Were you satisfied with the quality and availability of the services in French?
 ±₁ Yes ±₀ No ±₈ Don't know ±₉ No response

48a. Why or why not? _____

49. Do you feel that the people in the criminal justice system understood and accepted your right to receive services in French?
 ±₁ Yes ±₀ No ±₈ Don't know ±₉ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.



Information provided to victims

The next several questions ask about information that you might have received.

50. What kinds of information did you receive about the case against your _____ [the accused/offender - insert relationship, such as spouse, from Q3]? (READ OPTIONS)

	Received from ...				Other	N/A	DK	NR
	V/WAP	Police	Crown	None				
Information on charges laid	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Information on why charges were withdrawn (if applicable)	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Bail determinations and conditions ...	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Updates on court proceedings and status of case	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Details of plea agreement (if applicable)	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Final sentence (if applicable)	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉
Probation conditions (if applicable) ..	± ₀₁	± ₀₂	± ₀₃	± ₀₀	_____	± ₇₇	± ₈₈	± ₉₉

If all "none" to Q50, go to Q52

51. Did you feel well informed, somewhat informed, or not at all informed about the case against your _____ [the accused/offender - insert relationship, such as spouse, from Q3]?

±₂ Well informed

±₁ Somewhat informed

±₀ Not at all informed

±₈ Don't know

±₉ No response

51a. Explain _____

52. What information, if any, did you receive about the criminal justice process in general?

±₀₀ No information received (go to Q55)

±₈₈ Don't know

±₉₉ No response

53. Who provided this information to you?

±₀₁ Crown

±₀₂ Police

±₀₃ V/WAP

±₀₄ Police Victim Services

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

54. Did it give you a better understanding of the criminal justice process?

±₁ Yes

±₀ No

±₈ Don't know

±₉ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.



55. Did anyone explain the Domestic Violence Court Program to you?
☐ Yes ☐ No (go to Q59) ☐ Don't know (go to Q59) ☐ No response
56. Who explained the program to you?
☐ Crown
☐ Police
☐ V/WAP
☐ Police Victim Services
☐ Other (specify) _____
☐ Don't know ☐ No response
57. What did they tell you about it? _____

☐ Don't know ☐ No response
58. Did you understand how the program worked or did things still happen that you didn't understand?
☐ I understood the program
☐ Things happened that I didn't understand ☐ Don't know ☐ No response
59. Thinking back on your experience, was there any information that you wished you had received and did not?
☐ Yes ☐ No ☐ Don't know ☐ No response
- 59a. Explain _____

60. Do you have any suggestions for how to improve the way the criminal justice system provides information to victims of domestic violence?

☐ Don't know ☐ No response

Contact with the Crown

I'd like to ask a few questions about your experience with the Crown prosecutor.

61. Did you have any contact with the Crown?
☐ Yes ☐ No (go to Q64) ☐ Don't know ☐ No response
 ▼
62. [If yes] About how many days after the incident was your first contact with the Crown?
 _____ days after incident ☐ Don't know ☐ No response
63. About how many times did you meet in person or talk on the telephone with them?
 _____ times ☐ Don't know ☐ No response
64. [If no contact with the Crown] Why not? [If no contact with the Crown, go to Q76]

☐ Don't know ☐ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

65. Based on what you know, about how many Crown prosecutors handled your case?
 _____ Crown prosecutors handled the case \pm_{88} Don't know \pm_{99} No response
66. What were his/her/their name(s)? _____

 \pm_{88} Don't know \pm_{99} No response
67. I'd like to ask a few questions about your meetings/conversations with the Crown. Did anyone else attend these meetings, such as the police or a Victim/Witness Assistance Program worker?
 \pm_{00} No one else attended
 \pm_{01} Police
 \pm_{02} Victim/Witness Assistance Program worker
 \pm_{66} Other (specify) _____
 \pm_{88} Don't know \pm_{99} No response
68. Did the Crown seek your input before the bail hearings or for any variations in bail conditions?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
69. Did the Crown ask about your safety concerns?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
70. [If applicable – case went to trial; if case did not go to trial, go to Q74] Did the Crown interview you before trial?
 \pm_1 Yes (go to Q72) \pm_0 No \pm_8 Don't know \pm_9 No response
 ▼
71. [If no Crown interview] Did you provide input to the Crown in some other way?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
- 71a. In what way? _____

72. Did the Crown help you prepare to testify?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
73. Did the Crown prosecutor who interviewed you also try the case in court?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
74. Overall, do you feel that the Crown treated you fairly?
 \pm_1 Yes \pm_0 No \pm_2 Mixed \pm_8 Don't know \pm_9 No response
- 74a. Why or why not? _____

75. In your opinion, should the Crown have done anything differently?
 \pm_1 Yes \pm_0 No \pm_8 Don't know \pm_9 No response
- 75a. If so, what? _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

Court

[INTERVIEWER: Q76 TO Q80 ARE ONLY FOR CASES THAT WENT TO TRIAL]

76. Did you attend the trial?
 \pm_1 Yes \pm_0 No \pm_3 Don't know \pm_9 No response
77. Did anyone go with you to the trial for support?
 \pm_{00} No one else attended (go to Q79)
 \pm_{01} Friend
 \pm_{02} Community agency
 \pm_{03} Transitional Support Worker
 \pm_{66} Other (specify) _____
 \pm_{38} Don't know \pm_{99} No response
78. Did their support help you?
 \pm_1 Yes \pm_0 No (go to Q79) \pm_3 Don't know \pm_9 No response
- 78a. In what ways? _____
79. Did you testify at the trial?
 \pm_1 Yes (go to Q79a) \pm_0 No (go to Q79c)
▼ ▼ \pm_3 Don't know \pm_9 No response
- 79a. [If yes] Did you feel that you were prepared to testify?
 \pm_1 Yes \pm_0 No
- 79b. Why or why not?

- \pm_{38} Don't know \pm_{99} No response
- 79c. [If no] Do you know why you didn't testify?

- \pm_{38} Don't know \pm_{99} No response
80. In general, how did you feel about your experience in court?

 \pm_{38} Don't know \pm_{99} No response

Partner Assault Response (PAR) Program

[INTERVIEWER: Q81 TO Q88 ARE ONLY FOR CASES WITH A GUILTY PLEA OR A FINDING OF GUILTY (SEE Q1) - ALL OTHERS GO TO Q89]

81. The Partner Assault Response Program or the PAR program is a counselling and educational program for people who have abused their partners. Was _____ [the accused/offender - insert relationship, such as spouse, from Q3] in your case ordered to go to the PAR program?
 \pm_1 Yes \pm_0 No (go to Q89) \pm_3 Don't know \pm_9 No response
- 81a. [If yes] Were you asked if you thought this was a good idea?
▼
 \pm_1 Yes \pm_0 No \pm_3 Don't know \pm_9 No response
82. What is your understanding of the role of the PAR program?

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

83. Was your _____ [the accused/offender - insert relationship, such as spouse, from Q3] ordered into PAR (read options)
 ±₁ After pleading guilty but before sentencing ±₂ As part of probation
 ±₆₆ Other _____ ±₈₈ Don't know ±₉₉ No response

83a. Has your _____ [the accused/offender - insert relationship, such as spouse, from Q3] (check all that apply)
 ±₁ Begun the PAR program (if no - go to Q89) ±₂ Completed the PAR program

83b. [If answer have begun but not completed program] Why has your _____ [the accused/offender - insert relationship, such as spouse, from Q3] not completed the program?
 ±₁ Still in the program/program is ongoing ±₂ Failed to attend program
 ±₆₆ Other _____ ±₈₈ Don't know ±₉₉ No response

84. I'm going to ask about several specific kinds of information or services that you might have received from the PAR program.

	Yes	No	DK	NR
Were you given safety planning information?.....	± ₁	± ₂	± ₈	± ₉
Were you referred to other community resources?.....	± ₁	± ₂	± ₈	± ₉
Were you given information on what is abusive behaviour?.....	± ₁	± ₂	± ₈	± ₉
Were you informed about _____'s progress in the program?..... [the accused/offender - insert type of relationship from Q3, such as spouse]	± ₁	± ₂	± ₈	± ₉
Were you given information on whether _____ completed the PAR program?..... [the accused/offender - insert type of relationship from Q3, such as spouse]	± ₁	± ₂	± ₈	± ₉

85. Did you receive any other information or services from PAR staff?
 ±₁ Yes ±₀ No (go to Q86) ±₈ Don't know ±₉ No response

85a. Explain _____

86. Did PAR program staff help you feel safe? In what ways?
 ±₁ Yes ±₀ No (go to Q87) ±₈ Don't know ±₉ No response

86a. Explain _____

87. Did PAR program staff help you better understand domestic violence and what kinds of behaviour are abusive?
 ±₁ Yes (go to Q87a) ±₀ No (go to Q87b) ±₈ Don't know ±₉ No response

87a. [If yes] How will that information help you in the future?

87b. [If no] Why not?

±₈₈ Don't know ±₉₉ No response

±₈₈ Don't know ±₉₉ No response

88. Did you feel supported by the PAR program while the offender was in it?
 ±₁ Yes ±₀ No ±₂ Mixed ±₈ Don't know ±₉ No response

88a. Explain _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

Criminal justice process overall

89. Overall, do you think that your views were considered in how the case was handled? Why or why not? (*Probe: in bail or probation conditions, plea agreements, sentencing, and, if applicable, revoking consent to communication with accused*)

±₁ Yes, my views were considered

±₀ No, my views were not considered

±₈ Don't know

±₉ No response

89a. Explain _____

90. Do you believe that your safety was considered during the criminal justice process? (*Probe: bail hearing; sentencing, probation*)

±₁ Yes, my safety was considered

±₀ No, my safety was not considered

±₈ Don't know

±₉ No response

90a. Explain _____

91. Did you tell anyone about your safety concerns?

±₁ Yes (go to Q91a)

±₀ No (go to Q91b)



±₈ Don't know

±₉ No response

91a. [If yes] Who did you tell?

±₀₁ Police ±₀₂ Crown ±₀₃ V/WAP

±₀₄ Family/friends

±₆₆ Other (specify) _____

±₈₈ Don't know ±₉₉ No response

91b. [If no] Why not?

±₈₈ Don't know

±₉₉ No response

92. Do you feel safer having gone through the system? Why or why not?

±₁ Yes

±₀ No

±₈ Don't know

±₉ No response

92a. Explain _____

93. [All completed cases where the offender was convicted or plead guilty] If you know, what was the sentence of _____ [accused/offender - insert relationship, such as spouse, from Q3]?

±₀₁ Jail time

±₀₂ Conditional sentence

±₀₃ Probation

±₀₄ Suspended sentence

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

94. Were you satisfied with the outcome of the case?

±₁ Yes

±₀ No

±₈ Don't know

±₉ No response

94a. Why or why not? _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

95. Were any charges laid against you?

±₁ Yes

±₀ No (go to Q98)



95a. What were those charges?

±₀₁ Assault causing bodily harm

±₀₂ Assault with a weapon

±₀₃ Common assault

±₀₄ Uttering threats

±₀₅ Criminal harassment

±₀₆ Sexual assault

±₀₇ Attempted murder

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

96. What was the outcome of those charges?

±₀₁ Withdrawn

±₀₂ Guilty plea

±₀₃ Found not guilty at trial

±₀₄ Found guilty at trial

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

97. Do you think the fact that charges were laid against you affected the services you received from the Victim/Witness Assistance Program or the Partner Assault Program?

±₁ Yes

±₀ No

±₈ Don't know

±₉ No response

97a. Explain _____

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

98. I'm going to read a list of the main parts of the criminal justice system and I'd like you to tell me if you think that they do a good job or a poor job of considering victims of domestic violence and why you think that.

		Good job ± ₀₁	Poor job ± ₀₂	DK ± ₈	N/A ± ₇
a. Police	Why?				
b. Victim/Witness Assistance Program	Why?				
c. Crown	Why?				
d. Court	Why?				
e. PAR program	Why?				
f. Probation	Why?				
g. Parole	Why?				
h. Hospital-based domestic violence program	Why?				

99. What suggestions do you have for doing things differently?
±₀₀ No suggestions

±₈₈ Don't know ±₉₉ No response

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.



100. Would you contact the justice system again if you were involved in another domestic violence incident?

±₁ Yes

±₀ No

±₂ Mixed

±₃ Don't know

±₉ No response

100a. Explain _____

101. If something happened to a close friend or family member, would you suggest that he/she contact the justice system?

±₁ Yes

±₀ No

±₂ Mixed

±₃ Don't know

±₉ No response

101. Explain _____

Conclusion

Before we end, I just have a few more questions for background purposes. You do not have to answer any of these questions; they are asked to help us show that we spoke to people from a variety of backgrounds.

102. In what year were you born? _____

±₈₈₈ Don't know

±₉₉₉ No response

103. In what country were you born?

±₀₁ Canada

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

104. What is your ethnic or cultural identity? (Your ethnic or cultural identity is the ethnic or cultural group to which you feel you belong.)

±₀₁ Aboriginal

±₀₂ African

±₀₃ Hispanic

±₀₄ Asian

±₀₅ European

±₆₆ Other (specify) _____

±₈₈ Don't know

±₉₉ No response

105. Record gender.

±₂ Female

±₁ Male

Thank you for taking the time to complete this survey.

INTERVIEWER:

Please read each question carefully and check (✓) or write in the appropriate response.

APPENDIX F
DOVES FORM

**Domestic Violence Courts
Data Collection Form**

Case Information

Crown Name: _____

Information #:
(ICON # if known) _____

Office Location: _____

Accused Information

First Name:	
Last Name:	
Date of Birth: (month/day/year)	
Gender:	<input type="checkbox"/> M <input type="checkbox"/> F
Offence Date:	
First Court Date (excluding bail):	

Accused Release Information

Release Information	
<input type="checkbox"/>	Accused Released at Police Station
<input type="checkbox"/>	Promise to Appear
<input type="checkbox"/>	Undertaking/11.1 Release
<input type="checkbox"/>	Accused Detained
<input type="checkbox"/>	Section 515 (12) No Communication
<input type="checkbox"/>	Accused Released on Consent of Crown
<input type="checkbox"/>	Accused Released by Judge/Justice of Peace

Crown Section

Early Intervention Program	
Accused Eligible for Early Intervention Program	<input type="checkbox"/> Y <input type="checkbox"/> N
Accused Entered into Early Intervention Program (by either bail or probation)	<input type="checkbox"/> Y <input type="checkbox"/> N
Accused Ordered into Partner Assault Response Program (as part of bail order)	<input type="checkbox"/> Y <input type="checkbox"/> N

Victim Testimony	
Apart from victim testimony, did the Police collect additional types of evidence?	<input type="checkbox"/> Y <input type="checkbox"/> N

Guilty Plea	
Did the Accused Plead Guilty?	<input type="checkbox"/> Y <input type="checkbox"/> N
Actual Date of Plea (month/day/year)	
Is there input provided by the Victim?	<input type="checkbox"/> Y <input type="checkbox"/> N
Please indicate source of input	
<input type="checkbox"/>	Input received from V/WAP
<input type="checkbox"/>	Input received directly from the Victim
<input type="checkbox"/>	Input received from Other Sources
Please indicate who took the Plea	
<input type="checkbox"/>	DV Crown
<input type="checkbox"/>	Non-DV Crown
<input type="checkbox"/>	Non-DV Crown Acting on Instructions of DV Crown

NOTE: The shaded areas *must* be completed in order for this form to be entered in the system

Victim Interview	
Has the Victim been interviewed in person (at any point)?	<input type="checkbox"/> Y <input type="checkbox"/> N
Please indicate who interviewed the victim	
<input type="checkbox"/> DV Crown	
<input type="checkbox"/> Non-DV Crown	
If No Interview, please indicate reason	
<input type="checkbox"/> Victim Declined	
<input type="checkbox"/> Victim Whereabouts Unknown	
<input type="checkbox"/> Victim Didn't Appear	
<input type="checkbox"/> Victim Could Not Attend in Person	
<input type="checkbox"/> Other (please specify)	

Trial	
Did the Accused go to Trial?	<input type="checkbox"/> Y <input type="checkbox"/> N
Actual Date of Trial?	(month/day/year)
Was the Trial Done by the Same Crown Who Did the Interview?	<input type="checkbox"/> Y <input type="checkbox"/> N
Please indicate Who Did the Trial	
<input type="checkbox"/> DV Crown	
<input type="checkbox"/> Non-DV Crown	

Charges	
Were All the Charges Withdrawn?	<input type="checkbox"/> Y <input type="checkbox"/> N

V/WAP Section

Victim Information	
Has V/WAP contacted the Victim (at any point)?	<input type="checkbox"/> Y <input type="checkbox"/> N
Did the Victim respond to the first contact?	<input type="checkbox"/> Y <input type="checkbox"/> N
Date of First Contact	(month/day/year)
Was the Victim contact information available to V/WAP prior to Accused's First Court Date	<input type="checkbox"/> Y <input type="checkbox"/> N
Where the information is available to V/WAP, was the Victim contacted by V/WAP prior to Accused First Court Date (excluding Bail)	<input type="checkbox"/> Y <input type="checkbox"/> N

Dispositions and Sentences

Disposition and Sentence Conditions	
Disposition Date:	(month/day/year)
All Charges withdrawn?	<input type="checkbox"/> Y <input type="checkbox"/> N
Peace Bond?	<input type="checkbox"/> Y <input type="checkbox"/> N
Please select disposition (only one applies)	
<input type="checkbox"/> PGFG (Plea)	
<input type="checkbox"/> PNGFG (Convicted)	
<input type="checkbox"/> Found NG of all charges	
<input type="checkbox"/> Stayed	

NOTE: The shaded areas *must* be completed in order for this form to be entered in the system

Please select Sentence Conditions (check all that apply)	
<input type="checkbox"/>	Absolute Discharge
<input type="checkbox"/>	Conditional Discharge
<input type="checkbox"/>	Suspended Sentence
<input type="checkbox"/>	Fine
<input type="checkbox"/>	Conditional Sentence
<input type="checkbox"/>	Incarceration (including time served)
<input type="checkbox"/>	Probation

Please select Sentence Conditions (check all that apply)	
<input type="checkbox"/>	PAR Program
<input type="checkbox"/>	Other counselling eg. Anger Management / Marital (Not Including PAR Program)
<input type="checkbox"/>	No contact/communication with victim
<input type="checkbox"/>	No contact except with Written Revocable Consent
<input type="checkbox"/>	Non-attendance at victim's residence/work
<input type="checkbox"/>	Non-attendance at daycare/school
<input type="checkbox"/>	No alcohol/non-prescription drugs
<input type="checkbox"/>	3 rd party access to children
<input type="checkbox"/>	Surrender firearms registration
<input type="checkbox"/>	No firearms/weapons
<input type="checkbox"/>	Section 109/110 Firearms prohibition
<input type="checkbox"/>	Reporting requirements
<input type="checkbox"/>	DNA Order
<input type="checkbox"/>	Restitution
<input type="checkbox"/>	Other (specify)

NOTE: The shaded areas *must* be completed in order for this form to be entered in the system

APPENDIX G
DOVES INTERPRETATION GUIDE

INTERPRETATION GUIDE

DOMESTIC VIOLENCE COURTS DATA COLLECTION FORM

Domestic Violence:

- "Domestic violence" includes any physical or sexual force, actual or threatened on a woman or man by anyone with whom he or she has an intimate relationship, including current and former dating, common-law and married couples. Not included: siblings charged with assaulting each other, or a child charged with assaulting a parent.

Crown Name:

- Crown who made the last decision on the case noted. It does not mean the Crown who is completing the form.
- For example, Crown who did the plea/trial/sentencing or withdrawal.

Information Number:

- ICON number for this case
- Only require ICON # for most serious charges on which the accused plead or proceeded to trial
- If ICON # is unknown, leave blank.

Office Location:

- Crown office listed by Court jurisdiction
- Office location of person entering the data
- For more information on office location listing, refer to CLD people (NEW CLD People.)

Note: When completing forms on-line, all fields shaded-in must be entered prior to going on to the next screen

Accused Information (refer to Crown file)

Name:

- Enter both first & last name of accused (e.g. Smith, John)

Date of Birth:

- Date of Birth should be entered in order of Month/Day/Year (e.g. Jan/01/2004)

Offence Date:

- Should correspond with information number for most serious charges on which accused plea or proceeded to trial

First Court Date:

- First appearance or remand court including plea court and excluding bail

Accused Release Information (refer to Crown file)

- Should correspond with info # for most serious charges listed at top of data entry form.

Crown Section

Early Intervention Program (EIP) (refer to Crown file)

- Should correspond with info # for most serious charges listed at top of form.
- EIP eligibility:
 - Determined by Crown screening decision (see Crown file)
 - Accused agreed to participate in EIP
 - Probation Order/Recognizance contains condition to attend PAR (not anger management or counselling)
- Must complete the following information:
 1. Accused eligible as determined by Crown screening decision for EIP
 2. Accused has agreed to participate in EIP
 3. Probation order/recognizance contains condition to attend Partner Assault Response Program (not anger management or counselling)

Victim Testimony

- Includes all additional types of evidence (photographs, video tape, audio tape, statements, etc.)

Guilty Plea

- Date of plea: Actual date of plea taken in court (month/day/year).
- Actual date of Trial: First date of trial
- DV Crown is: Crown currently or previously designated as a DV Crown who received specialized DV Crown training or any Crown assigned to the DV Crown team.

Victim Interview

- Victim Interview: Includes any victim meeting with a Crown whether in prep for trial, input on a plea or a general information meeting.

Trial

- Enter whether or not accused went to trial, the date of the trial and who did the trial.

Charges

- Enter whether or not all charges were withdrawn.

Victim Witness Assistance Program Sections

Victim Information

VWAP – Victim Witness Assistance Program

Date of first contact:

- Refers to the initial attempt to contact the victim by VWAP through any method (phone, mail, e-mail, in person, etc.)
- Method of contact includes all contacts, not just first contact (i.e. remand, assignment court, and plea court)

Disposition and Sentences

Dispositions and Sentence Conditions

If there is more than one charge, base answers on the plea of guilty/conviction to the most serious charge.

Peace bonds – which is issued pursuant to section 8.10 of the criminal code, preferable to a common law bond.

- PGFG (Plea): Plead guilty-found guilty
- PNG FG (found guilty after trial): Plead not guilty-found guilty
- Found NG on All Charges: NG=not guilty (acquitted after trial)
- Stayed – Matter dismissed due to unreasonable delays
- Absolute Discharge
- Conditional Discharge
- Suspended Sentence
- Fine
- Incarceration (includes pre-trial custody)
- Probation

Disposition and Sentences

Sentence Conditions

- If there is more than one charge, answers must be based on the plea of guilty/conviction relating to the most serious charge.
- Fill out as many boxes as appropriate.
 - PAR – Partner Assault Response program
 - Other non PAR counselling E.g. Anger Management
 - No contact/communication with victim
 - No contact except with Written Revocable Consent
 - Non-attendance at victim's residence/work
 - Non-attendance at daycare/school
 - 3rd party access to children
 - Surrender firearms registration
 - No firearms/weapons
 - Section 109/110 Firearms prohibition
 - Reporting requirements
 - DNA Order
 - Restitution
 - Other (please enter a short description about why the victim was not interviewed)

Note: This section is completed regardless of whether Crown requested the any conditions above; only if judge orders.



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EVALUATION OF THE DOMESTIC VIOLENCE COURT PROGRAM

Final Report – Volume III

LITERATURE REVIEW

July 5, 2006

Prepared for:

Ontario Ministry of the Attorney General

**LITERATURE REVIEW FOR THE DOMESTIC
VIOLENCE COURT PROGRAM REVIEW**

December 21, 2005
(Updated May 12, 2006)

Prepared for:

Ontario Ministry of the Attorney General



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1.0 Introduction

The Domestic Violence Court (DVC) Program began in late 1997 and 1998 in six Ontario communities and has since expanded to 42 of the 54 court jurisdictions with plans to begin operations in the remaining 12 jurisdictions by the end of the 2005/06 fiscal year. The DVC Program is a specialized process for handling cases of domestic violence. Approximately \$21 million is allocated to the DVC initiative, the goal of which is to intervene early, improve victim support, enhance coordination between justice and community partners, and increase the effectiveness of how domestic violence cases are investigated and prosecuted so that offenders are held accountable.

The Ontario Ministry of the Attorney General has engaged PRA Inc. to conduct an evaluation of the DVC Program. This study builds on earlier evaluations of the DVC Program as well as other evaluations of its components.

1.1 Purpose of this report

The literature review provides contextual information as well as information directly relevant to some of the evaluation issues, such as the rationale for the DVC Program and possible alternatives. The scope of this review is Canadian and international literature on specialized domestic violence court programs. The literature review will assist the evaluation of the DVC Program through considering other models as well as noting the effects of specialized courts on domestic violence and domestic violence prosecutions. Because this literature review focuses on the implementation and outcomes of these specialized courts, only domestic violence court programs that have been evaluated are discussed in detail.

The literature review is one of several data collection methods that will be undertaken for the evaluation of the DVC Program, and information from this review will be incorporated into the final report.

1.2 Organization of this report

The literature review begins with an overview of domestic violence courts in Section 2. This section includes a discussion of the rationale for and the general philosophy behind domestic violence courts. Section 3 contains a detailed profile of the DVC Program, including its implementation to date and a summary of previous evaluation findings. Section 4 provides an overview of other domestic violence courts in Canada, and Section 5 describes key components and outcomes of domestic violence courts in other countries. Section 6 synthesizes the key features and outcomes of the domestic violence courts described in this review.

Three appendices follow the main body of the report. Appendix A is the bibliography. Appendix B presents a flow chart of the case management process in the DVC Program. Appendix C provides a brief summary of the domestic violence courts discussed in the body of this report.



2.0 Overview of domestic violence courts

In the mid-1970s, women's advocates in Canada and elsewhere worked to draw attention to domestic violence and society's response to it. In the early 1980s, recognizing the need for a new method of handling domestic violence incidents, jurisdictions in the United States began to develop specialized practices in criminal courts for domestic violence cases, and Canada's first specialized domestic violence court began in Winnipeg in 1990. Since then, other countries, such as the United Kingdom, Australia, and New Zealand, have introduced specialized domestic violence courts, and the number of such courts has grown to over 300 in the US and more than 50 in Canada.

2.1 Rationale

The rationale behind specialized domestic violence courts came from the sense that the traditional criminal justice system was not adequately responding to the complexities of domestic violence cases.¹ According to some commentators, the system was not sufficiently recognizing the unique situation posed by domestic violence cases, where the victim and the accused have social and economic ties, which may affect many aspects of the case – from the victim's willingness to proceed, to victim safety, to the likelihood of the offender violating court orders. Because a minority of cases involved domestic violence, their distinctive characteristics and needs were often overlooked. This also occurred in part because of the attitudes of some criminal justice professionals: prosecutors who place a lower priority on domestic violence cases because of the perception that most victims withdraw from the prosecution; police who consider domestic violence a private matter; and judges who need to clear their overcrowded docket. According to US studies, the system demonstrated its ineffectiveness by its failure to reduce the number of incidents and its more lenient treatment of domestic violence offenders who are less likely to be arrested, more likely to have their case dismissed or withdrawn, and more often receive less serious sentences than those convicted of similar criminal offences. A recent Canadian study also found that, with the exception of criminal harassment cases, domestic violence offenders were less likely than similar offenders to receive sentences of imprisonment.²

¹ This discussion is taken from the following articles/reports. Tsai, Betsy. (2000). The trend toward specialized domestic violence courts. *Fordham Law Review*, 68, 1285-1327. Mazur, Robyn and Aldrich, Liberty. (2003). What makes a domestic violence court work? Lessons from New York. *Judge's Journal*, 42, 5-11. Retrieved on September 19, 2005 from http://www.courtinnovation.org/pdf/what_makes_dvcourt_work.pdf. Peterson, Richard R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. Fritzler, Randal B. and Simon, Leonore M.J. (2000). Creating a domestic violence court: combat in the trenches. *Court Review*, 37, 28-39. Retrieved on September 19, 2005 from <http://aja.ncsc.dni.us/courtrv/cr37/cr37-1/CR9FritzlerSimon.pdf>.

² Gannon and Mihorean studied sentences in 18 urban sites from 1997 to 2002 and found that 19% of domestic violence offenders received a prison term compared to 29% of other violent offenders; however, 32% of domestic violence-related convictions for criminal harassment were sentenced to prison compared to 26% of other criminal harassment convictions. Gannon, M. and Mihorean, K. (2004). Sentencing outcomes: A comparison of family violence and non-family violence cases. *JustResearch*, 12, 1-7. Retrieved September 18, 2005 from <http://canada.justice.gc.ca/en/ps/rs/rep/justresearch/jr12/jr12.pdf>.

2.2 Theoretical principles and goals

Specialized domestic violence courts are commonly referred to as one of the problem-solving courts, others being drug treatment courts, mental health courts, and Aboriginal courts.³ This problem-solving approach means that court programs are designed to consider the special characteristics that a particular kind of case, here domestic violence, presents.⁴ For example, if the accused poses a future threat, then monitoring is put in place, and safety planning and referrals to agencies are provided to victims. As a judicial officer involved with domestic violence courts stated, “Problem-solving courts ... attempt to reach beyond the immediate dispute to the underlying issue, and then to involve community agencies and others in resolving it.”⁵

The literature identifies three primary philosophies behind problem-solving courts. Therapeutic jurisprudence considers the psychological, physical, and emotional effects of the law on individuals.⁶ This approach does not ignore traditional judicial or legal values, but “seek[s] to minimize the law’s anti-therapeutic consequences and maximize its therapeutic value.”⁷ While some writers argue that the therapeutic approach focuses on accountability and rehabilitation of the offender, others state that, due to the frequent minimization of abuse by domestic violence offenders or their willingness to blame the victim, “the key therapeutic and judicial priority must be offender accountability and the safety of the abused partner and any children, with only a secondary focus on offender rehabilitation.”⁸ The other main philosophies identified by the literature include preventive law, which focuses on preventing future violence by monitoring the offender, and restorative justice, which focuses on resolving conflict in a way that “restores” or heals the offender, the victim, and the community.⁹

³ Goldberg, Susan. (2005). *Judging for the 21st century: A problem-solving approach*. Ottawa: National Judicial Institute, p. 6.

⁴ Mazur, Robyn and Aldrich, Liberty. (2003). What makes a domestic violence court work? Lessons from New York. *Judge’s Journal*, 42, p.6. Retrieved on September 19, 2005 from http://www.courtinnovation.org/pdf/what_makes_dvcourt_work.pdf.

⁵ Peterson, Richard R. (2004). *The Impact of Manhattan’s Specialized Domestic Violence Court*. New York: Criminal Justice Agency. Retrieved September 14, 2005 from <http://www.cjareports.org/reports/manhat46.pdf> p. 3, quoting Kaye, Judith S. (2001). *The State of the Judiciary*. Albany: NY: New York State Unified Court System.

⁶ Tsai, Betsy. (2000). The trend toward specialized domestic violence courts. *Fordham Law Review*, 68, 1285-1327. Winick, Bruce. (2000). Applying the law therapeutically in domestic violence cases. *University of Missouri at Kansas City Law Review*, 69, 33-91.

⁷ Goldberg, Susan. (2005). *Judging for the 21st century: A problem-solving approach*. Ottawa: National Judicial Institute, p. 3.

⁸ Goldberg, Susan. (2005). *Judging for the 21st century: A problem-solving approach*. Ottawa: National Judicial Institute, p. 25.

⁹ Peterson, Richard R. (2004). *The Impact of Manhattan’s Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. Fritzler, Randal B. and Simon, Leonore M.J. (2000). Creating a domestic violence court: combat in the trenches. *Court Review*, 37, 28-39. Retrieved on September 19, 2005 from <http://aja.ncsc.dni.us/courtrv/cr37/cr37-1/CR9FritzlerSimon.pdf>

2.3 Definition of domestic violence courts

The literature shows that no single model or easily defined typology of domestic violence courts exists.¹⁰ Instead, the structure of each court responds to its jurisdictional requirements and the available resources. Even the goals of domestic violence courts differ across jurisdictions. However, in general, the fundamental goals typically include increasing defendant accountability, promoting victim safety in part by improving support for victims, and enhancing the coordination among criminal justice and community agencies that respond to domestic violence.¹¹ Based on the literature, features of specialized domestic violence courts often include:

- assignment of cases to a specialized calendar
- screening of cases for prior domestic violence cases and possibly for other related cases, such as family law cases
- victim services either through the prosecutor/Crown office or by an independent agency that provides assistance, such as information, referrals, and safety planning
- treatment programs for defendants
- dedicated court personnel
- specialized domestic violence training for court personnel
- special intake or case processing systems
- monitoring the defendant's behaviour.¹²

While most domestic violence courts operate in the criminal law setting, some are civil courts that handle civil matters with a domestic violence aspect, and, more recently, some jurisdictions have started establishing integrated civil and criminal domestic violence courts.

The following sections consider specialized domestic violence courts in Ontario, other Canadian jurisdictions, and internationally. This inventory of domestic violence courts will consider and compare key features of these courts and the outcomes they have achieved.

¹⁰ Stewart, Julie. (2005). *Specialist Domestic/Family Violence Courts within the Australian Context*. Australian Domestic & Family Violence Clearinghouse, Issues Paper 10. Retrieved on September 10, 2005 from http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper_10.pdf. This article contains an overview of domestic violence courts in the United States, Canada, the United Kingdom, and Australia.

¹¹ Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. See also, MacLeod, D. et al. (2000) *Domestic Violence Courts: A Descriptive Study*. Judicial Council of California. Retrieved September 12, 2005 from <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/dvreport.pdf>. Ontario Ministry of the Attorney General, Request for Resources (RFR) for the Domestic Violence Court Program Review.

¹² *Domestic Violence Courts: A Descriptive Study*. Judicial Council of California. Retrieved September 12, 2005 from <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/dvreport.pdf>. Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>. Cook, D. et al. (2004). *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems*. United Kingdom: Crown Prosecution Service and Department for Constitutional Affairs. Retrieved on September 12, 2005 from <http://www.cps.gov.uk/publications/docs/specialistdv courts.pdf>.

3.0 Profile of the DVC Program

3.1 Background

On March 8, 1996, after months of being assaulted, stalked, and threatened, Arlene May was murdered by Randy Iles, her estranged boyfriend. He then killed himself. On four previous occasions, Iles had been charged with multiple offences. Each time, despite the escalating violence, his bail was reduced. Each time Iles received bail, he also received orders from the court to stay away from May.¹³ The measures taken by the criminal justice system ultimately failed Arlene May and her children, with tragic consequences.

Arlene May and her children were not alone in their experience of domestic violence. In *Family Violence in Canada, 1997*, the year following May's murder, Statistics Canada reported that based on a national telephone survey of 12,300 Canadian women aged 18 and older, "29% of ever-married women (including those in common-law relationships) had been subjected to physical or sexual violence at the hands of a marital partner."¹⁴ The same study also reported that of these women:

- One in three said that they had feared for their lives.
- Many reported having experienced multiple acts of various forms of violence, including being shoved, grabbed, slapped, or having something thrown at them. A smaller percentage reported being choked, hit with an object, sexually assaulted, or having a knife or gun used against them.
- Only one-quarter said that they had reported the violence to the police.
- About 40% of violent marriages exposed children to physical or sexual violence in their homes. This represents at least 380,000 children in Ontario.¹⁵

In addition to the profound physical, psychological, and emotional trauma caused by domestic violence, significant economic costs are associated with this type of violence. A 1995 Federal report entitled *Selected Estimates of the Costs of Violence Against Women* provides partial estimates of the annual costs of violence against women in four policy areas:

- Social services/education: \$2.369 billion
- Criminal justice: \$872 million
- Labour/employment: \$577 million
- Health/medical: \$408 million.¹⁶

In light of the exorbitant personal and economic costs of domestic violence, to victims and to government, the Office of the Chief Coroner decided "that it was time for a thorough

¹³ Joint Committee on Domestic Violence. (1999). *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*.

¹⁴ Statistics Canada. (1999). *Family Violence in Canada: A Statistical Profile, 1997*. Cited in Joint Committee on Domestic Violence. (1999). *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*.

¹⁵ Ibid.

¹⁶ Greaves, L., Hankivsky, O., & Kingston-Riechers, J. (1995). *Selected Estimates of the Costs of Violence Against Women*. Cited in Joint Committee on Domestic Violence. (1999). *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*.

examination of domestic violence situations and chose the May/Illes murder/suicide for an inquest.”¹⁷ Between February and July of 1998, jurors heard from 76 witnesses with evidence related primarily to the criminal justice’s system’s response to domestic violence. The jurors developed 213 recommendations that were “intended to make the system more responsive to the needs of women and children experiencing domestic violence.”¹⁸

The Jury recommended that the government form a committee with equal numbers of government and community representatives to oversee the implementation of the recommendations. In December 1998, the Government of Ontario created the Joint Committee on Domestic Violence, which produced the 1999 report entitled *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*. This report identified 16 critical strategies, based on the 213 recommendations, for taking action against domestic violence.¹⁹ Strategy 7 discussed specialized court responses for prosecuting all domestic violence cases in the province. It recognized the eight domestic violence courts that were already operating at that time and recommended a blended model:

In support of the May/Illes Jury recommendations a new “blended” model is being developed and will be introduced in these new [the next eight] sites, incorporating early intervention and treatment for first time offenders with vigorous prosecution and increased offender accountability. The model also includes early and effective victim support. The existing eight courts will be enhanced to operate on this new blended model as well.²⁰

The next section describes the evolution of domestic violence courts from two pilot projects to a provincial program and discusses how the DVC Program operates.

3.2 Operation of the DVC Program²¹

The DVC Program began in early 1997 in the form of two pilot projects at two Toronto courts, North York and Old City Hall (also known as “K-Court”). Each pilot was based on a different model. North York used the early intervention model, and Old City Hall used the coordinated prosecution model. Both involved a specialized court process with teams of specially trained personnel “who work cooperatively to ensure that priority is given to the safety and needs of domestic violence victims and their children at all points of contact in the criminal justice system, while at the same time holding offenders accountable.”²²

¹⁷ Joint Committee on Domestic Violence. (1999). *Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario*. p. 4.

¹⁸ Ibid.

¹⁹ Ibid., p. 4-7.

²⁰ Ibid., p. 62.

²¹ Unless otherwise specified, information in this section is gleaned from the Ontario Ministry of the Attorney General, Request for Resources (RFR) to complete the Domestic Violence Court Program Review. Direct quotes from the RFR will be cited in a footnote with the appropriate page number.

²² RFR, p. 3.

Early intervention model

The early intervention (EI) model, as its name suggests, was designed to provide early intervention to victims and offenders. It supported first-time offenders whose level of violence was assessed as less serious (meaning usually that no weapon has been used and the victim was not seriously harmed) if they were willing to plead guilty and were motivated to receive help in the form of intervention counselling through a Partner Assault Response (PAR) program. EI also provided outreach information and support to victims through the Victim/Witness Assistance Program (V/WAP). (The roles of DVC Program stakeholders, including V/WAP, are discussed in more detail below, in the subsection entitled “Roles of stakeholders.”)

Coordinated prosecution model

The coordinated prosecution (CP) model was designed to focus on coordinated and thorough investigation and prosecution of domestic violence cases that involved a repeat offender or in which a serious injury has been inflicted. Accused who declined to participate in EI and chose a trial were also prosecuted under CP. Police personnel received special training to enhance their evidence-gathering skills in domestic violence cases, which enabled Crown attorneys to more effectively prosecute those cases. V/WAP supported victims through the trial process.

Expansion of the DVC Program

In mid-1997, the DVC pilot project expanded to six additional jurisdictions. Ottawa, London, and Hamilton were based on the CP model, and Peel, Durham Region, and North Bay were based on the EI model. Two evaluations of the pilot projects (which will be discussed in more detail in Sections 3.3.1 and 3.3.2) between 1998 and 2000 determined that the EI and CP models complemented and reinforced each other and, therefore, that both approaches were necessary to ensure a comprehensive response to domestic violence in each site.

In 1999, the DVC pilot projects became a provincial program. The EI and CP models were combined to create one comprehensive model, which is illustrated in the flowchart found in Appendix B. This refined model was then introduced to the eight existing sites and used in the DVC Program’s expansion, in the year 2000, into eight new sites: Barrie, Kitchener, Newmarket, Sudbury, Windsor, Etobicoke, Scarborough, and College Park.²³ Further expansion occurred in 2001/02 as another eight sites began implementing domestic violence courts: Belleville, Kingston, L’Orignal, Milton, Owen Sound, St. Catharines, Stratford, and Woodstock.²⁴

In September 2001, the Ontario government announced plans for a three-year expansion to bring the total number of sites to 54. Each was to have implemented a domestic violence court process by March 2004. Currently, the DVC Program is operational in 42 of the 54 jurisdictions. It is anticipated that the remaining 12 jurisdictions will have implemented the Program by the end of the 2005/06 fiscal year.²⁵

²³ Ontario Ministry of the Attorney General. (2000, January). *Harris government strengthens support to victims by doubling domestic violence courts*. News release.

²⁴ Ontario Ministry of the Attorney General. (2001, May). *More communities to benefit from expansion of provincial programs to support victims and help families*. News release.

²⁵ RFR, p. 3.

Core components

The DVC Program includes several core components including: designated Crowns who are trained in domestic violence; designated V/WAP staff; intervention programs for abusive partners with outreach to victims; use of enhanced investigative procedures by police; interpreters; French language services; specialized processing of domestic violence cases; and an advisory committee of justice and community representatives.²⁶

Roles of stakeholders

The V/WAP Manager and a designated Assistant Crown attorney lead the DVC Program in each jurisdiction and several justice stakeholders are involved. Each stakeholder's role is identified briefly below:

- The Domestic Violence Court Advisory Committee (DVCAC) facilitates effective implementation and operation of the Program and coordinates justice and related support services for victims.
- Crown attorneys are jointly responsible with V/WAP and other stakeholders to implement the domestic violence court process. They prosecute cases as effectively as possible using all available and relevant evidence, and they prepare victims and witnesses for court.
- V/WAP establishes early contact with victims and provides information and support to victims throughout the criminal justice process to improve their understanding of and participation in the process. V/WAP also ensures that its services are available in French in designated areas of the province.
- Court services support the Crown attorney's office, V/WAP, and the judiciary and facilitate information exchange among justice stakeholders.
- Police investigate cases thoroughly and share all information and evidence with the Crown. They lay charges, testify at court hearings, and assist victims based on the police service's local procedures.
- Partner Assault Response (PAR) programs, which are funded by the Ontario Ministry of the Attorney General and are delivered by community-based agencies, provide clients with intervention education/counselling. They also maintain contact with partners to provide outreach and support, assist with safety planning, make referrals to other resources, and provide information about the PAR program.
- Language interpreters facilitate communication between victims of domestic violence who do not speak English and service providers, including the police, V/WAP staff, Crown attorneys, probation and parole officers, hospital staff, and PAR program workers.²⁷

²⁶ Other core components, namely specialized case management policies and procedures for parole and probation staff and a hospital based Sexual Assault Domestic Violence Treatment Centres (SADVTC), (where they exist) to collect forensic evidence, are not part of the current program review.

²⁷ Information about the roles of justice stakeholders is taken from Ontario Ministry of the Attorney General. (2003). *Implementing the Domestic Violence Court Program*, p. 6-2–6-15. Probation and parole officers' roles are not described here because that component is not part of the current program review.

Alignment with provincial objectives

The DVC Program aligns with the five main components of the Ontario government's domestic violence action plan. In a backgrounder released March 8, 2005, the Ontario government announced its plan to address domestic violence, which includes:

- better community-based supports for victims
- identifying women and children at risk and intervening earlier
- changing attitudes to prevent violence from happening in the first place
- strengthening the justice system response
- improved access to French language services.²⁸

The DVC Program addresses all five components. The Program as a whole aligns strongly with strengthening the justice system's response to domestic violence and identifying women and children at risk and intervening earlier. The early intervention aspect of the specialized courts, particularly the PAR Program, aligns with changing attitudes to prevent violence from happening, and V/WAP aligns with better community supports for victims and improved access to French-language services.

3.3 Evaluations related to the DVC Program

3.3.1 Evaluation of Domestic Assault Court Projects at Old City Hall and North York²⁹

In 1998, the first evaluation of the specialized domestic violence courts was completed. The evaluation considered two sites: Old City Hall (coordinated prosecution model) and North York (early intervention model). Because the two court projects were distinct and dissimilar in several ways, the evaluations were conducted separately.

The methodology for each, however, was the same. It included three major elements: tracking of individual cases, monitoring of project implementation, and interviews with participants. Between April 1997 and the end of March 1998, 789 cases were tracked: 474 at Old City Hall and 315 at North York. These figures represent all domestic assault and related charges that were brought before both courts from the inception of the pilots to the end of March 1998. Individual cases were also tracked through interviews with victims. At Old City Hall, victims were first contacted by V/WAP, and only if they agreed to participate were they interviewed by a member of the evaluation team. Despite V/WAP's assistance, finding victims who were able to participate in the evaluation and then arranging and conducting the interviews proved very challenging. Nineteen interviews were conducted at North York, 64 at Old City Hall.

²⁸ Ontario Ministry of Community and Social Services. (2005, March). *A domestic violence action plan for Ontario*. News release. Retrieved August 19, 2005, from <http://www.cfcs.gov.on.ca/CFCS/en/newsRoom/backgrounders/050308.htm>

²⁹ The information in Section 3.3.1 has been taken from Alderson-Gill & Associates Consulting Inc. in collaboration with Myrna Dawson and Ronit Dinovitzer. (1998, October). *Domestic assault court projects Old City Hall and North York: Evaluation report*. Any direct quotes will be accompanied by a footnote with the appropriate page number from the evaluation report.

The second element of each evaluation was to track the activities of the participating agencies. In order to properly assess the projects, the evaluators needed to understand clearly which stakeholders have agreed to perform which roles, whether they are indeed fulfilling those roles, and what factors enhance or restrict their ability to do so. Both projects involved the efforts of Crown offices, the police, V/WAP, the community organizations providing intervention programs for offenders, the Metro Woman Abuse Council (MWAC), and, in the case of Old City Hall, probation services. Therefore, to assess the wide range of activities by these numerous participants, the evaluators attended all project meetings, attended the courts periodically, and maintained frequent informal communication with participants.

The third element of both evaluations was a set of formal interviews with representatives of the participating agencies. Ninety interviews were conducted: 50 with police officers from six divisions, and 40 divided among Crown prosecutors, V/WAP staff, probation officers and court staff, judges, and representatives of intervention programs. Interviewees were asked about their experience with the new courts and the accompanying procedures and services, their assessment of the effectiveness of the new models and their strengths and weaknesses, and what they recommend regarding the future of the courts.

The evaluations focused on qualitative information instead of relying primarily on case outcome data to assess the courts' achievements for two main reasons. First, it was recognized that the first year of the courts would be developmental and that any case outcome data would likely not reflect the effectiveness of the models as much as they would reflect the early development of the processes. Second, the projects were designed in recognition that long-term impacts for victims of domestic violence and for society as a whole would arise at least as much through arrest and prosecution and the efforts of community-based social services as through changes in case outcomes.

Old City Hall

Six broad goals were identified for the K-Court project at Old City Hall:

- “That domestic assault cases be decided on their merits;
- To enhance the safety of victims of domestic assault;
- To involve complainants in decisions regarding the prosecution of their cases in a meaningful way;
- To empower victims to help themselves break the cycle of violence;
- To achieve an earlier resolution of cases; and
- To encourage a coordinated response by the justice system and the community to domestic violence.”³⁰

The evaluators organized the key findings into three areas that address the goals: findings related to court outcomes, findings related to services for complainants, and findings related to the management and implementation of K-Court. Regarding court outcomes, interviews with Crown

³⁰

Alderson-Gill & Associates Consulting Inc. in collaboration with Myrna Dawson and Ronit Dinovitzer. (1998, October). *Domestic assault court projects Old City Hall and North York: Evaluation report*. p. 18

prosecutors, judges, and police indicated that K-Court practices resulted in better case preparation. Police were providing the Crown with stronger evidence, and the Crown was better able to prepare cases. These improvements resulted in a significant decrease in the proportion of cases being withdrawn. Better evidence resulted in more guilty pleas, but a high proportion of the guilty pleas were being achieved late in the prosecution process, which meant that the project had yet to expedite case processing. The project also resulted in many offenders being referred to domestic assault treatment programs.

Although the evaluation noted that some positive changes had been implemented in practices involving complainants, there did not appear to be any significant improvement in the amount of complainant participation in the prosecution process. Many complainants were concerned primarily about having the charges against their partner dropped, and most of them would not be persuaded to participate in the process. One possible contributor to that was that very early access to complainants proved difficult for V/WAP, and first contact often occurred one to two weeks after the assault, by which time the immediate crisis had diminished. As well, because V/WAP had to meet with a large volume of complainants, the program was unable to provide support, information, and referrals to all complainants. The evaluators said that the data were unclear but it appeared that between 25% and 50% of complainants were not meeting with V/WAP, which presented an important challenge, given the project's emphasis on meeting victims' needs. Complainants generally reported that they appreciated V/WAP's services, but they did not perceive themselves as being involved meaningfully in decisions related to the prosecution of their cases.

Regarding project management and implementation, the evaluators found that the key component—to provide a coordinated response from the police, the Crown, V/WAP, probation services, the intervention programs, and other community services—had been realized to a large extent. Participants appeared to understand their own and their counterparts' roles and responsibilities, to have regular communication, and to work together for common purposes.

The evaluators noted some challenges and concerns:

- the need for a senior level, cross-ministerial body to problem-solve cross-jurisdictional issues among the participants in the project as well as to address resource constraints in a systematic way
- the need for a shared document outlining the roles and responsibilities of all the participants in the project to provide a useful reference when issues arose as well as a necessary accountability framework for the project
- the need for administrative support to the project to ease the additional administrative workload on Crown, V/WAP, and police resources.

North York

The five North York project goals were:

- “To establish a consistent and coordinated response by the justice system and the community to domestic assault;

- To maximize the safety of victims of domestic violence and their children;
- To encourage abusers to take responsibility for their actions;
- To offer a justice response to domestic violence that is perceived by victims, Crown, police, and the community as being effective, responsive and accountable; and
- To achieve a more cost-efficient use of justice resources in dealing with domestic violence cases.”³¹

As for K-Court, the evaluators organized the key findings for North York into three areas that address the goals: findings related to court outcomes, findings related to services for complainants, and findings related to project management and implementation. Overall, court outcomes were positive. North York saw a very significant reduction in withdrawals of domestic assault charges. The number of guilty pleas rose, and the Domestic Assault Program (DAP) expedited the route to a guilty plea for accused who chose that route. More offenders were pleading guilty at first appearance and choosing to attend the treatment programs.

The evaluators found, however, that the apparent benefits of the DAP were producing an undesirable side effect. The Crown was admitting some cases into the DAP that did not meet the agreed-upon criteria. Some included charges of assault causing bodily harm or assault with a weapon, and some offenders had criminal records, including a few with violent offences. These cases were being screened into the program deliberately because the Crown felt that sending them through the mainstream courts would have had an unacceptable result, that is, the offender would have received a suspended sentence or conditional discharge without any measures, such as a treatment program, to address the abuse.

Findings with regard to services for victims were generally positive. Victims reported a high degree of satisfaction with their access to support and information, and they reported being very satisfied with case outcomes. However, victims did not appear to be as satisfied with their level of participation in the process. The fact that they were unable to persuade the Crown to drop charges, even if they wanted the charges dropped, seemed to have diminished some victims’ sense of the meaningfulness of their participation.

Regarding project management and implementation, project participants suggested that the DAP represented an opportunity to significantly improve the way the justice system handled less serious domestic violence cases. Police appeared to have been successful in encouraging complainants to call V/WAP. Project participants seemed to communicate well and understand each other’s roles and responsibilities. Based on the increase in guilty pleas and decrease in court appearances and preparation time for DAP cases, it appeared that the Crown and the courts were experiencing considerable savings as a result of the project.

Like K-Court, there was an identified need for both a senior level, cross-ministerial body to problem-solve cross-jurisdictional issues and a shared document outlining the roles and responsibilities of all the participants in the project.

³¹ Ibid., p. 56.

3.3.2 Evaluation of the Domestic Violence Courts³²

In 2000, an evaluation was conducted of the domestic violence courts projects that began in late 1997 and 1998 in six Ontario communities. Durham, Peel, and North Bay were early intervention sites, and Ottawa, London, and Hamilton were coordinated prosecution sites. The objectives of the projects were to: “prosecute and manage domestic assault cases more effectively; intervene early in abusive domestic situations; provide better support to victims; [and] increase offender accountability.”³³ The evaluation relied on three data collection methods: in-person and telephone interviews with criminal justice professionals, review of Crown briefs and V/WAP files, and telephone interviews with victims.

Development and functioning of the domestic violence courts projects

As was expected, there were considerable variations in the operations of each project in the first 12 to 18 months. Each site had different implementation methods, and several unforeseen obstacles prevented full implementation. The evaluators characterized many of these issues as part of the natural growth process that any large-scale, multi-site program experiences.

A finding of note for the early intervention sites was that in the plans for the original model, the victim was required to consent to the accused’s participation in the project. However, in all three sites—Durham, Peel, and North Bay—the victim was consulted and her wishes considered, but her consent was not required. It was found that, very often, victims who do not consent want the charges to be withdrawn.

Other findings suggested that, overall, the early intervention projects were successfully implemented. A few issues arose, such as fewer referrals than expected in Peel and North Bay and longer delays between the laying of the charge and entry into the abusive men’s program in Durham.

The findings regarding the coordinated prosecution sites suggested more difficulty with implementation. The evaluators found that police investigations of domestic violence cases were slow to improve, and victim statements were not videotaped as often as had been anticipated. Photographs of victim injuries were not taken extensively. With regard to court procedures, there was not as much continuity in the Crowns assigned to the cases as had initially been anticipated. This was one of the concerns mentioned by victims in their interviews.

³² Information in Section 3.3.2 has been taken from Moyer & Associates. (2000, March). *The evaluation of the domestic violence courts: Their functioning and effects in the first eighteen months of operation, 1998 to 1999*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the evaluation report.

³³ Moyer & Associates. (2000, March). *The evaluation of the domestic violence courts: Their functioning and effects in the first eighteen months of operation, 1998 to 1999*. p. 1.

Comparisons of case processing and outcomes, pre- and post-project³⁴

Case outcomes. In the coordinated prosecution courts, guilty outcomes increased from 56% to 63% pre/post, while dismissals/withdrawals/stays/not guilty fell from 30% to 26%.

Police and Crown practices. Greater investigative efforts were undertaken by police, either on their own initiative or at the request of the Crown.

Charge type. In both types of sites, the vast majority of charges were assault level 1. In the coordinated prosecution courts, more serious charges were also laid, including assault causing bodily harm, sexual assault, and forcible confinement.

Pre-trial detention. In Ottawa and London, there was a statistically significant increase in the proportion of accused persons who were not released at their bail hearing—from 15% to 37% in Ottawa, and from 25% to 46% in London.

Sentencing. In the coordinated prosecution courts, there were few differences in sentences pre- and post-program. In Durham and Peel, early intervention sites, the proportion of cases receiving a conditional discharge with probation increased from 19% to 80%.

Factors affecting case processing

Factors affecting victim willingness to testify. Several legal and non-legal factors influenced victim willingness to testify. The legal factors were the number of current charges and the severity of the charge. The evaluators considered the third factor to be a combination of legal and non-legal factors: whether there was any evidence of past abuse. The non-legal factor was the nature of the couple's relationship. Estranged or separated victims were more willing than others to testify.

Factors affecting trial dates. The victim's willingness to proceed with the case and whether the victim and the accused were living together with children were the factors that most affected whether a trial date was set. The evaluators noted that the strength of the variable for the victim's willingness to become involved in the court process "supports the decision to direct additional resources to the Victim/Witness Assistance Program. If V/WAP staff are able to make early contact with victims to provide them with information and support, they may be more apt to follow through with the court process—perhaps causing the accused to think twice before entering into the trial process."³⁵ In the coordinated prosecution sites, if a videotaped victim statement was available to the Crown, the likelihood of the accused requesting a trial date decreased.

Factors affecting case outcomes. Case outcomes were highly influenced by victims' willingness to testify and otherwise engage with the prosecution process. In all three coordinated prosecution sites, the likelihood of the accused being found guilty increased according to the number of witness statements taken by police. Victim photographs marginally increased the

³⁴ The information regarding findings on case processing and outcomes has been taken from a summary that the Ministry of the Attorney General prepared from the Moyer & Associates evaluation report.

³⁵ Moyer & Associates. (2000, March). *The evaluation of the domestic violence courts: Their functioning and effects in the first eighteen months of operation, 1998 to 1999*. p. 121.

probability of a guilty finding in London, and in Ottawa, videotaped victim statements predicted that the accused would be found guilty.

Factors affecting processing times. The factors that most affected the length of the court process were trial dates and pre-trial detention of the accused.

Factors affecting sentencing. Two factors influenced sentencing most consistently: the prior record of the accused and whether the accused was detained throughout the court process.

Victim experiences and perspectives

The evaluators interviewed 261 victims from project courts and 38 victims from comparison sites. This sample could not necessarily be extrapolated to all domestic violence victims due to the self-selection of interviewees, who were recruited by V/WAP, and the under-representation of victims who stayed with their partners and over-representation of victims who had contact with V/WAP and the Crown. Respondents from early intervention sites were more likely to still be in a relationship with the offender, and respondents from coordinated prosecution sites were more likely to be estranged or separated from their partners.

More project respondents than comparison site respondents felt as though they had been treated fairly by police. The reasons respondents gave most frequently for why they felt unfairly treated were that the police sided with the accused or treated the incident casually and that charges were laid against the respondent's wishes. According to the interviews, police did not often ask victims if they would consent to giving a videotaped statement.

Most of the victims who were interviewed had met with V/WAP staff and a Crown attorney. Respondents generally felt as though they had been treated fairly by the Crown and V/WAP. Those in the early intervention sites who felt that they had been treated unfairly said most frequently that the reason was the Crown's refusal to drop the charges or remove the non-association condition.

Overall, the evaluators found that the primary differences between project respondents and respondents from comparison sites were that "project victims:

- were more likely to have met with VWAP staff/the Crown before the guilty plea or trial date;
- were more likely to have met with a Crown attorney;
- had more multiple meetings with a Crown attorney (in the coordinated prosecution sites);
- were marginally more likely to say that they had received enough information about the case;
- were more likely to have been told of local resources for abused women."³⁶

³⁶ Ibid., p. 186.

The recommendations most frequently made by victims who were interviewed were:

- “Police should have discretion in the laying of charges and the victim should be consulted about whether charges are laid.
- The victims should be contacted about non-association orders.
- Sentences for domestic assault need to be harsher.
- There should be consequences for non-compliance with bail and probation conditions.
- A counsellor from outside the system should contact the victim immediately.
- From the time of arrest forward, the victim needs to be informed of the ‘next steps’.
- The victim should be able to meet with the Crown attorney who handles the case in court, especially at trial.
- The system needs to move faster.”³⁷

Abusive men’s programs

One implementation issue common to most programs was the lower than expected referral rate, which in turn affected funding. Several possible reasons for the lower rate were suggested: few offenders agreeing to participate in the early intervention projects; judicial and probation officer discretion in referrals to domestic violence programs instead of other programs; and slower than expected education of Crown attorneys to request that offenders participate in an abusive men’s program. Programs also struggled with a lack of resources.

The main objective of abusive men’s programs is to reduce or eradicate psychological, physical, and sexual abuse. The program sites differed in terms of rates of offender recidivism. Partners and offenders completed Abusive Behaviour Questionnaires pre- and post-program. According to the evaluators, “Analysis of the partner-completed Abusive Behaviour Questionnaires indicates reductions in the experience of physical and emotional abuse during the time the participants were in the program.”³⁸ The evaluators subsequently note the following important point: “A major limitation of this evaluation is the lack of a long-term follow-up period in which more lasting changes (as reported by both partners and participants) could be assessed.”³⁹

Evaluation recommendations

The evaluators offered an extensive list of recommendations covering the areas of: establishing court-based domestic violence projects, policing services, services to victims, Crown attorneys and the courts, probation services, treatment for abusers, and research. Among the many recommendations were to:

- “Encourage police to undertake more thorough investigations in domestic violence.
- Ensure that all victims receive information about community resources and safety planning.
- Continue to improve Victim/Witness Program contacts with victims especially to keep them informed of the case’s progress through the courts.

³⁷ Ibid., p. 185.

³⁸ Ibid., p. 228.

³⁹ Ibid., p. 246.



- Consider training for all Crown attorneys on prosecuting domestic cases, including at least minimal training on interviewing victims of domestic abuse.
- Develop policies and procedures that ensure that ‘vertical prosecution’—the same Crown handling the case to its conclusion—is the norm.
- Ensure that victim safety is a priority of the treatment programs.”⁴⁰

3.3.3 Related evaluation studies

*Evaluation of the Model Police Response to Domestic Violence (MPRDV)*⁴¹

The Model Police Response to Domestic Violence (MPRDV), released by the Ministry of Community Safety and Correctional Services in February 2000 to support implementation of the *Adequacy Standards Regulation*, includes four guidelines: Domestic Violence Occurrences (the centrepiece of the model, which addresses police investigation of domestic incidents, laying of charges for breach of court orders, and victims’ assistance and safety), Bail and Violent Crime, Criminal Harassment, and Preventing and Responding to Occurrences Involving Firearms. The Ministry developed several tools to assist in the implementation of these guidelines, including a Domestic Violence Supplementary Report Form (DVSRF) with an accompanying guide, an information sheet on videotaped sworn statements in domestic violence cases, a template on safety planning, and in-service domestic violence training for police officers.

In September 2002, the Ministry initiated an evaluation of the MPRDV to identify best practices by reviewing the policies and procedures in all police jurisdictions in Ontario; 14 municipal and four OPP services were evaluated. In 2004, evaluations of four more municipal services were completed, and since 2005, an additional 20 municipal services have been evaluated, for a total of 38 police services evaluated to date. In-person interviews were conducted with police personnel, Crown, and victim services personnel at all sites.

An analysis of findings to date reveals that most police services have adhered to ministry guidelines, incorporating them into their domestic violence policies and procedures, and the majority have designated Domestic Violence Coordinators that provide a consistent approach to tracking domestic violence occurrences. A number of larger services are, however, considering changing to delivery model option B, which involves establishing a specialized unit of domestic violence investigators to undertake, manage, or review the investigation of domestic violence occurrences. The ministry guidelines seem to have provided a useful framework for police services in the area of domestic violence. Crowns and victim services are actively involved with police training, and all parties work in partnership on domestic violence cases.

The most recent evaluation data available, which are of the 20 services evaluated in 2005, identified several areas requiring further attention, including:

- Lack of consistency in the way in which dispatchers obtain information from complainants and the fact that dispatchers are not included in the domestic violence training that front-line officers receive.

⁴⁰ Ibid., p. 263-66.

⁴¹ The information about the MPRDV has been taken from Ministry of Community Safety and Correctional Services. (2006). *Evaluation of the Model Police Response to Domestic Violence 2006 Report*.

- Perceived need for additional domestic violence training. There is a need for domestic violence investigators in 9 out of 20 police services to complete ministry accredited training. In 7 of 20 services, there is a need for domestic violence coordinators to complete ministry accredited training, and in approximately half of the services, there is a need for front-line officers to receive regular refresher training.
- Mandatory charge policy should be followed when there are reasonable grounds to conclude that a domestic violence offence has occurred.
- Front-line officers should be delivering personal safety plans to victims upon initial response. In addition, victims are not being provided with pamphlets on the community resources available to them.
- The use of video-taped statements should be included in all police services.
- The need for front-line officers to be aware of the availability of interpreters/translators.
- Flagging Special Interest Police (SIP) and Firearms Interest Police (FIP) entries on CPIC pertaining to domestic violence occurrences.
- The importance of having a domestic violence coordinator to oversee domestic violence investigations; however the rank differential of having a domestic violence coordinator who is a constable overseeing domestic violence investigators who are at minimum sergeants was identified as an issue.
- The importance of consistent police representation by the domestic violence coordinator at community coordinating committee meetings.

The evaluation of the MPRDV is to continue through 2006, incorporating the remaining municipal police services, and the intention is to initiate a plan to address identified gaps.

Bail Safety Pilot Project Evaluation⁴²

The Bail Safety Pilot Project was implemented following a Coroner's Inquest into the deaths of Ralph and Gillian Hadley; the former killed his wife and then committed suicide while out on bail, prompting the recommendation that the Ministry of the Attorney General and the Ministry of the Solicitor General develop a specialized domestic violence bail program. Funding was received for a 2.5-year period (August 2002-March 2005) to implement the pilot project in three sites: one large jurisdiction with a high volume of bail hearings (Hamilton), one mid-size jurisdiction (Sudbury), and one small jurisdiction with a small volume of bail hearings (Perth).

The project was modelled after an early interview pre-bail program that had been implemented in Chatham, Ontario. In brief, implementation of the project at the three pilot sites involved having investigative officers responding to domestic violence incidents request that victims participate in a pre-bail interview the following day. V/WAP staff contact the victim to facilitate interview attendance and conduct the interview with police, who are also responsible for retrieving any

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The information about the Bail Safety Pilot Project has been taken from Sue Weinstein, Research & Evaluation Consultants. (2004, October). *Bail Safety Pilot Project Evaluation: Final Report*.



additional information required related to the accused and the investigation and providing the Court with an early briefing. The victim receives support, information, and links to services during and after the interview, and following the interview, police, Crowns, and V/WAP consult and Crowns document bail recommendations with supporting evidence. Following the hearing, V/WAP or police contact victims to inform them of the outcomes.

Program objectives included enhancing victim safety, awareness of services, and satisfaction, as well as generating additional risk information to inform bail recommendations and judiciary decision making, and increasing victim participation in the justice system through to case resolution.

The evaluation of the pilot project included: 1) extracted data from *The Checklist for Domestic Assault Interviews* (a tool used by V/WAP and police to collect background information pertaining to the victim, the accused, and their relationship); 2) analysis of V/WAP and Crown case files to compare process and impact pre and post project implementation; 3) interviews with project staff, investigation officers, and representatives from community agencies (and victims from Chatham only); 4) a review of staff time sheets to determine resource requirements; and 5) a “laboratory study” — simulated Crown bail decision-making processes with and without the availability of pre-bail interview information to determine whether this information affects bail recommendations and conditions of release.

Findings from the evaluation include:

- **Victim impact:** Support reached victims more quickly, and victims were responsive, felt empowered, and were more willing to report breaches, enhancing the safety of themselves and their children. Informing victims about the justice system and process and giving them more input made them feel safer. Although there was little impact on the use of community resources, victims were aware of the services available to them.
- **The bail phase:** Victims received support more quickly, and there was no negative effect upon the timing of bail hearings. Bail recommendations were more informed, and bail conditions were more detailed and easily implemented. In Sudbury, rates of detention increased and consent releases decreased.
- **The post-bail phase:** Cases were resolved more quickly, and there were fewer recantations in Hamilton and Sudbury. There was an increase in guilty pleas in Hamilton, and the increase in early guilty pleas in Sudbury was so great that it was possible to close one of the domestic violence courts and use it for other purposes.
- **“Broader system findings”:** There was increased cooperation both among stakeholders in the justice system and between the justice system and community agencies. In addition, justice system contacts perceived a shift in attitude toward zero tolerance for domestic violence, and it was perceived that the justice system was operating more quickly and more seamlessly.

- **Program implementation, process, and feasibility findings:** A sufficient number of victims participated across sites to make the program viable, although small and mid-size sites may only require part-time police with flexible availability. Pre-bail interviews are useful for establishing a relationship with the victim, and they provide the opportunity to educate victims and collect additional information. The early interview system also enables Crown to put forth bail recommendations with greater confidence and establish more specific bail conditions to enhance the safety of victims and their children. The V/WAP staff saw a significant increase in their workload from the pre-program period. It should also be noted that it can take a number of years to refine the ideal communication systems and linkages for the early interview process.

*Evaluation of the Partner Contact Component of the PAR program*⁴³

In 2002, an evaluation was conducted of the Partner Contact Component of the Partner Assault Response (PAR) programs in selected domestic violence court sites. The purpose was twofold:

- “To provide the Ministry with information about compliance with and the helpfulness of the partner contact component of the PAR programs across Ontario; and
- To establish a victim contact benchmark of the number of clients satisfied with service for 2002-03 Domestic Violence Justice System performance measures.”⁴⁴

Telephone interviews were conducted with 102 partners who volunteered to participate in the evaluation and with 14 partner contact staff and 13 program coordinators in selected PAR sites.

The evaluation found that the partners were generally satisfied with the PAR program and that the contact component of the program is fulfilling its primary purpose, which is to enhance the safety of the partner.

*Women’s Court Watch Project III*⁴⁵

The Ontario Trillium Foundation funded the Women’s Court Watch Project III, which was an initiative by the Woman Abuse Council of Toronto that had women survivors of abuse and students observe domestic violence trials in five coordinated prosecution courts (Etobicoke, North York, Old City Hall, College Park, and Scarborough) between October 2001 and September 2002.

The results of Women’s Court Watch III showed that the courts studied had improved their handling of domestic violence cases in the following ways:

- “Breach charges, where offenders failed to comply with court orders, were prosecuted vigorously.

⁴³ The information about the partner contact component of PAR has been taken from Barbara Herring & Associates. (2002, December). *Evaluation of the Partner Contact Component of the PAR Program*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the evaluation report.

⁴⁴ Ibid., p. i.

⁴⁵ The information about Women’s Court Watch has been taken from Woman Abuse Council of Toronto. *Women’s Court Watch III: A fact sheet*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the fact sheet.



- More evidence is being collected to support and substantiate charges of abuse in addition to using the victim's testimony, compared to results from Court Watch II (1997-1998).
- In many cases, judges are taking the opportunity in their courts to address domestic violence verbally and to respond in ways that protect women's safety."⁴⁶

Another important improvement over data from Court Watch II was that the accused was found guilty in 53% of the cases (including the 43% where the accused had entered a guilty plea). In 1992-1988, 109 cases were observed at four non-specialized courts and one specialized court; only 38% of these cases resulted in a guilty plea. It was also observed that police and Crowns were improving in their ability to collect and introduce evidence to substantiate abuse charges.

One potentially significant finding was that despite the introduction of additional corroborating evidence, in cases where the accused entered a plea of not guilty, more than half of the cases were dismissed. Women's Court Watch III observed that: "Judges cited a lack of evidence when they gave their reasons for dismissing charges. Some specifically commented on the low credibility of the complainant as their basis for 'reasonable doubt'."⁴⁷ The fact sheet also reported another case in which a victim recanted, and the judge told the court that she had to base her judgement on the complainant's testimony instead of the 911 tape that was presented at trial and that refuted the complainant's testimony.

These findings question what emphasis judges place on victims' testimony versus other forms of evidence when they are deciding cases. "If judges are continuing to base their decisions on the quality of women's testimony instead of on other evidence that substantiates allegations of abuse, the specialized courts must continue to rely on women to prove the case."⁴⁸

Safety First Audit⁴⁹

The Violence Against Women Prevention Initiatives of the Ontario Government funded the Safety First Audit pilot project in response to the recommendations of the May/Illes Jury. The Windsor Safety First Audit reviewed each stage at which a victim of domestic violence had contact with the criminal justice system to assess how well the victim's immediate safety was addressed. The audit took place between September 1999 and January 2000. General recommendations included:

- Allocation of new funds for core services in each jurisdiction, especially for police and probation and parole services. The auditors stated that while the Ontario government commits millions of dollars every year to domestic violence initiatives, it does not include funding for policing and probation and parole specific to domestic violence.
- Accountability mechanisms included in all agency policies and procedures.

⁴⁶ Ibid., p. 1.

⁴⁷ Ibid., p. 14.

⁴⁸ Ibid., p. 14.

⁴⁹ The information about the Safety First Audit has been taken from Windsor Safety First Audit Team. (2001, April). *Safety First Audit Final Report*. Any direct quotes will be accompanied by a footnote and the appropriate page number from the audit report.



- Expansion of domestic violence initiatives to emphasize prevention and improvement and increase of social supports, such as affordable housing, legal counselling, job training, and child care, to help victims as they leave a violent relationship.
- Extensive domestic violence training for all criminal justice professionals, including Justices of the Peace and the Judiciary in the interests of providing a coordinated, consistent response.
- Development of linkages between organizations in order to provide an effective, consistent, and coordinated approach to domestic violence.
- Continued efforts on the part of the Ontario government to develop strategies and mechanisms to improve the criminal justice system's response to domestic violence, including the conduct of safety audits in the 54 Ontario catchment areas.

Auditors found that there had been an increase in the rate of domestic violence convictions since the introduction of videotaped victim statements. There was also an increase in the number of guilty pleas with fewer victims having to testify in court. However, it was found that many victims recanted, which resulted in charges being dismissed or withdrawn and the offender not being held accountable. In some cases, additional evidence was available but was not introduced.

Language interpreter services⁵⁰

Between February and September of 2003, the Cultural Interpreter Service and Training Program (CISTP) was evaluated. CISTP supports language interpreter services in several areas related to the needs of victims of domestic violence who do not speak English, including, specifically, the domestic violence courts, which include interpreters as one of the core components of each site. The evaluation methodology included document and data review, site visits, and interviews with program leaders, front-line service providers, and victims. The evaluation showed that the program was rated as highly effective by those it was designed to serve.

French-language services

A core component of each DVC Program site is French-language services that are of comparable quality to English services. This literature review examined two studies, both of which emphasized the need for improved French-language services in the domestic violence court context. One of the primary conclusions in Brunet and Garceau's 2004 study, "Doing so much with so little...", is that the Ontario government's decision to give bilingual organizations the mandate to offer victim support services in French has resulted in inadequate services in French, particularly outside of the Eastern region. Brunet and Garceau recognize improvements in the accessibility and provision of French-language services, but they note that there is more work to do. "...More Francophone women have access to French-language anti-violence services than did ten years ago and, despite government cutbacks, the number of [French-language services]

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The information about language interpreter services has been taken from Quality Performance Associates. (2003). *Program evaluation – Cultural interpreter services training program.*



has increased. The network of organizations run **by** and **for** Francophone women is larger and stronger, but remains far from complete.”⁵¹

The second study corroborated that French-language services for victims of domestic violence need to be improved. Two of the main recommendations from Kathryn Penwill’s *Les Tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes?* focus on specific improvements:

1. “[The Minister] needs to evaluate and do the necessary corrections concerning the availability and accessibility of services in French within the DVC services and the representation of francophones within the Consultation Committee for Domestic Violence Intake Courts, in the designated regions to offer services in French;
2. [The Minister] needs to develop, in consultation with Ontario Victim’s Justice plan, a provincial protocol to identify the lack of French services within the DVC services.”⁵²

3.3.4 Academic studies

Myrna Dawson and Ronit Dinovitzer corroborate the idea put forward by Women’s Court Watch III that the specialized courts continue to rely heavily on victims’ testimonies to prove cases. In their study entitled “Victim Cooperation and the Prosecution of Domestic Violence in a Specialized Court,” which focuses on cases from Toronto’s K-Court, Dawson and Dinovitzer reveal findings that suggest that “even within a setting mandated to proceed without victim cooperation through the use of other evidence, victim cooperation continues to play the most significant role in whether a case is prosecuted.”⁵³

An area receiving significant attention in the literature regarding domestic violence cases is the role of the victim and the concept of victim “cooperation.” As has been shown, in many cases, victims attempt to have charges dropped or choose to recant their testimonies, which can hinder or prevent the prosecution of cases. With a better understanding of the many complex factors that affect victims’ willingness to participate in the process, the criminal justice system can implement better methods of engaging victims, with more positive outcomes not only for the prosecution of cases, but also for victims’ personal well-being.

Dawson and Dinovitzer refer to a recent study (Bennett, Goodman and Dutton, 1999) that identified three major obstacles to victims’ participation in the court process. The obstacles were: “victims found the court process confusing, found the criminal justice system to be frustrating, and were extremely fearful in the time period between the batterer’s arrest and the resolution of the court case.”⁵⁴ The objectives of the domestic violence courts address all three obstacles. V/WAP, in particular, has helped many victims through the trial process. Dawson and Dinovitzer

⁵¹ Brunet, Lucie, & Garceau, Marie-Luce. (2004). *Doing so much with so little...Overview and profile of French-language violence against women services (1994-2004)*. Ottawa. Trans. Anne Molgat. p. x. The bold reflects Brunet and Garceau’s emphasis as it appeared in their text.

⁵² Penwill, Kathryn. (2003). *Les Tribunaux spécialisés en violence familiale ont-ils amélioré la situation des Ontariennes?* p. 62-63.

⁵³ Dawson, Myrna, & Dinovitzer, Ronit. *Victim Cooperation and the Prosecution of Domestic Violence in a Specialized Court*. p. 25.

⁵⁴ Ibid., p. 9.

found that “the odds of a victim cooperating are more than three times higher if the victim met with representatives of the victim/witness assistance program. Moreover, if the victim gave a videotaped statement, the odds of subsequent cooperation are also significantly higher.”⁵⁵

In her study entitled “Domestic Violence and the Construction of ‘Ideal Victims,’” Melanie Randall asserts that the legal system upholds stereotypical representations of women, including in the form of the “victim who recants and/or refuses to ‘cooperate’.”⁵⁶ Randall suggests that the notion that “uncooperative” victims are part of the problem in criminal justice responses to domestic violence “represents a failure to grasp the dynamics and impacts of domestic violence in women’s lives.”⁵⁷ She explains that many criminal justice reforms designed to address victims’ cooperation are at odds with victims’ actual needs because the criminal justice system fails to understand the factors that affect victims’ decisions. She argues that what is needed, then, is “a reframe of the idea of the ‘uncooperative victim’ or the ‘reluctant witness,’ one that shifts the object of inquiry away from the woman’s responses and onto the barriers which interfere with and/or limit the possibility of a successful prosecution...by changing the focus and adjusting the lens of inquiry, it becomes possible to understand that the choices made by a so-called ‘uncooperative victim’...may be quite rational and reasonable ones given the particular circumstances of her life.”⁵⁸

Adjusting the lens of inquiry is a theme that also appears in Epstein, Bell, and Goodman’s study entitled “Transforming Aggressive Prosecution Policies,” which focuses on how aggressive prosecution policies might be readjusted to better serve the goals of long-term victim safety and offender accountability. Epstein et al. promote a “prosecution-in-context” model by which “the government can respond more flexibly to an individual victim based on a comprehensive understanding of the psychological, relational, and socio-cultural contexts in which she is operating.”⁵⁹ The model begins with a consideration of the multiple contexts that influence women’s thinking and behaviour: individual, relational, community, institutional, and cultural.

A prosecution-in-context approach would require prosecutors to incorporate these aspects into their work with victims of domestic violence. By acknowledging and addressing the broad scope of victims’ concerns, rather than focusing narrowly on obtaining a conviction as rapidly as possible, prosecutors may be in a better position to facilitate victims’ long-term safety.⁶⁰

⁵⁵ Ibid., p. 26.

⁵⁶ Randall, Melanie. (2004). Domestic violence and the construction of “ideal victims”: assaulted women’s “image problems” in law. *Saint Louis University Public Law Review*, vol. XXIII, no. 1, p. 108.

⁵⁷ Ibid., p. 109.

⁵⁸ Ibid., p. 142-43.

⁵⁹ Epstein, Deborah, Bell, Margaret E., Goodman, Lisa A. (2003). Transforming aggressive prosecution policies: Prioritizing victims’ long-term safety in the prosecution of domestic violence cases. *Journal of Gender, Social Policy & The Law*, vol. 11:2, p. 472.

⁶⁰ Ibid., p. 473.

Prosecution-in-context has three basic elements: 1) giving victims access to ongoing advocacy services; 2) expanding prosecutors' range of responses to allow greater flexibility in response to victim needs; and 3) increasing communication and coordination with attorneys and advocates, community agencies, and other institutional sources of help for abused women.⁶¹

The DVC Program's core components recognize these same concepts, although the desired outcomes of the Program focus on timely disposition of cases and encouraging victims to testify. These academic studies suggest that the Program's success in these areas should not be considered in a vacuum but in light of the complicated nature of victim concerns and needs.

⁶¹ Ibid., p. 486.

4.0 Other Canadian programs

Ontario has developed the most complete system of domestic violence courts, but specialized courts of this nature have been spreading across Canada. This section considers the domestic violence courts in Winnipeg, Calgary, and the Yukon, as they have all been studied to determine their effects on how the system handles domestic violence cases. However, a few other initiatives deserve mention.⁶²

- The Edmonton Domestic Violence Court, which began in September 2001, has dedicated prosecutors assigned to the Family Protection Unit to handle family violence docket and trial courts and all first appearances for family protection.
- In Lethbridge, protocols have been in place since 1999 to coordinate services to people affected by family violence, and in March 2004, the Lethbridge Domestic Violence Docket Courtroom heard its first matters. This court operates every Tuesday afternoon with a specialized domestic violence Crown prosecutor.⁶³
- A working group has been formed to make recommendations for the implementation of a domestic violence treatment option court process for Prince Edward Island.⁶⁴

4.1 The Winnipeg Family Violence Court

The first court of its kind in Canada, the Winnipeg Family Violence Court (FVC) was established in September 1990 to handle cases involving spousal abuse, child abuse, and elder abuse.⁶⁵ The court's creation was in response to rising charge rates in family violence cases and was intended to ensure that such cases were "prosecuted as rigorously as other cases of interpersonal violence" while also recognizing the ways in which cases involving family violence differ from other violent incidents.⁶⁶ For example, victims of family violence are often dependent upon their assailants and may recant evidence or make reluctant or ambivalent witnesses.⁶⁷

⁶² A municipal court in Montreal provides specialized hearings of intimate partner violence cases, but no further information on this court was found during the literature review. Russell, D. & Ginn, D. (2001). Framework for Action Against Family Violence 2001 Review. <http://www.gov.ns.ca/just/Publications/russell/crown.htm>

⁶³ Canadian Heritage. Human Rights Program. http://www.pch.gc.ca/progs/pdp-hrp/docs/fifth_iccpr/ab_e.cfm

⁶⁴ Justice Options for Women who are Victims of Violence. (2003). <http://www.isn.net/~tha/justiceoptions/phase4.htm>

⁶⁵ Russell, D. & Ginn, D. (2001). Framework for Action Against Family Violence 2001 Review. <http://www.gov.ns.ca/just/Publications/russell/crown.htm>

⁶⁶ Ursel, Jane. (1994). The Winnipeg Family Violence Court. *Juristat*. Vol. 14, No. 12. http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvwinnipeg_e.html

⁶⁷ Ibid.

The court's model initially encompassed five components: "a 'zero-tolerance' pro-arrest policy; a women's advocacy and child victim/witness program for victims of family violence; a specialized prosecutorial unit of 11 Crown Prosecutors; specially designed courtrooms and dockets for intake, screening court and trials; and a special probation unit to deliver court/mandated treatment programs."⁶⁸ In addition, specially trained judges sit in designated domestic violence courtrooms on a revolving basis.⁶⁹

New components have since been added:

- The Winnipeg Police Service (WPS) created two special investigative teams to follow up on domestic violence incidents for which police reports have been filed. The teams provide further investigation for cases going to trial and search for accused who are missing or who have fled.
- A pilot project launched in 2000 led to the creation of two early intervention teams. The teams, which each include a police officer and a social worker, follow up on cases in which police had responded and deemed the couple to be at risk for escalation, but did not have sufficient evidence to make an arrest. This program is intended to be proactive and prevent future escalation and arrest by providing a team that ensures the couple is connected to appropriate services.
- In September 2000, a domestic violence unit was introduced into the Headingley Correctional facility whose aim was to create a therapeutic environment adaptable to a variety of sentences. At a minimum, offenders receive a five-day short-term program, and the unit also has the capacity to provide a more long-term program, the 12-week Partner Abuse Intensive Group.⁷⁰
- In December 2003, the Provincial Court of Manitoba initiated the Domestic Violence Front-End Pilot Project, which is intended to cut the front-end processing time of domestic violence cases in half by improving pre-trial coordination.⁷¹

The goals of the FVC are:

- "to process cases expeditiously aiming for a three-month average processing time from first appearance to disposition;
- to provide more consistent and appropriate sentencing to better protect the victim, to mandate treatment for the offender where suitable, and to increase monitoring of offenders (through probation services);

⁶⁸ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

⁶⁹ Ursel, Jane. (1994). The Winnipeg Family Violence Court. *Juristat*. Vol. 14, No. 12. http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvwinnipeg_e.html

⁷⁰ Ursel, Jane. "Using the Justice System in Winnipeg" in Johnson, H. & Au Coin, K. (eds.) (2003.) *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. Page 54.

⁷¹ Manitoba Courts Domestic Violence Front-End Pilot Project
http://www.manitobacourts.mb.ca/english/domestic_violence.html

- to increase victim/witness information and cooperation and to reduce case attrition, particularly at the prosecutorial level (through a reduction in stays of proceedings).⁷²

Court outcomes

Time to disposition. In spite of the fact that the number of spousal abuse cases rose dramatically during the court's first four years of operation (there was a 229% increase from 1989 to 1993-94), case processing time has averaged about three months.⁷³ However, to ensure timely hearings, the number of hours per week set aside for domestic violence cases rose from 28 to 105 by the end of the second year.⁷⁴

Sentencing. With respect to sentencing, a study conducted after the FVC's first two years of operation indicated that the court had already had an impact: prior to the implementation of the FVC, the most frequent sentences for family violence cases were conditional discharge, suspended sentences and probation, whereas in the first two years of the FVC, the most frequent sentences were probation, suspended sentence and incarceration.⁷⁵ The number of cases resulting in probation supervision tripled and the number of cases resulting in jail sentences doubled, whereas fines and conditional sentences declined.⁷⁶

The most recent sentencing data available cover the seven-year period 1992-1999, during which the court heard 20,406 spouse abuse cases, and indicate that sentencing patterns have remained consistent, with probation remaining the most frequent disposition (49%), followed by incarceration (37%). These sentences are intended to send the message that spouse abuse is a serious crime with serious consequences for offenders, a message that has been coupled with a commitment to rehabilitation: 62% of convicted offenders received supervised probation, and 68% of these were put in treatment groups for batterers. Of the offenders who were sentenced to incarceration, 98% received sentences of less than two years and are in the provincial system's special domestic violence unit (DVU), which has programming that emphasizes treatment aimed at breaking the cycle of violence.⁷⁷

Case outcomes. In terms of the court's third goal (increasing victim/witness information and cooperation and reducing case attrition), the court was somewhat successful in its first year of operation, but the proportion of spouse abuse cases that resulted in stays of proceedings⁷⁸ increased thereafter, from 22% in the FVC's first year to 28% in its second year.⁷⁹ The increase may have resulted from a more rigorous police charging policy in relation to spousal assault,

⁷² Ursel, Jane. (1994). The Winnipeg Family Violence Court. *Juristat*. Vol. 14, No. 12. http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvwinnipeg_e.html

⁷³ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

⁷⁴ Ursel, Jane. (1994). The Winnipeg Family Violence Court. *Juristat*. Vol. 14, No. 12. http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvwinnipeg_e.html

⁷⁵ Ibid.

⁷⁶ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

⁷⁷ Ursel, Jane. "Using the Justice System in Winnipeg" in Johnson, H. & Au Coin, K. (eds.) (2003). *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. p. 54-55.

⁷⁸ Stay of proceedings is a prosecutorial decision that the evidence is insufficient to proceed with a prosecution, which in spousal abuse cases often results when the victim/witness refuses to testify.

⁷⁹ Ursel, Jane. "Winnipeg Family Violence Court Report" in Pottie Bunge, V. & Locke, D. (eds.) (2000). *Family Violence in Canada: A Statistical Profile 2000*. Ottawa: Statistics Canada. p. 45-46.

which, according to Crown attorneys in the FVC, results in “an increasing numbers of cases in which the evidence is weak or ambiguous or in which the victim/witness may be reluctant to testify.”⁸⁰ The stay rate for spousal violence cases continued to increase in subsequent years to 47% in 1997.⁸¹ This increase was attributed to “the shift in discretion from police to the Crown in determining whether a case proceeds, as well as to Crown policy, which, while emphasizing vigorous prosecution, permits the Crown not to proceed ‘at the expense of the victim’.”⁸²

Although a high stay rate arguably indicates that offenders are not being held accountable or obligated to received treatment,⁸³ in an evaluation of the specialized court, Jane Ursel argued that “this dual and contradictory mandate comes closer to reflecting the complex nature of domestic violence than the older, simplistic standard that equates success with conviction.”⁸⁴ Ursel added that victims who are initially not ready to testify may require additional contacts with the justice system before they are able to see the courts as resources to them.⁸⁵

4.2 Calgary Domestic Violence Courtroom

The Calgary Domestic Violence Courtroom, now known as HomeFront, was established in June 2000 as part of a four-year pilot project. HomeFront’s mission is “to reduce domestic violence in Calgary through coordinated community action.”⁸⁶ Central to the program is a Specialized Domestic Violence First Appearance Court; the intention is that every case of domestic violence in the city will first appear in this court. The Court sits daily and functions as a docket court; trials are scheduled in other courtrooms.

A large team of experts is involved in the Court to ensure fast and efficient response. The Calgary Police Service has a Domestic Conflict Unit consisting of 10 constables and one sergeant who address all chronic and high-risk domestic violence cases, reviewing all files and providing risk assessment information to the criminal court. All persons under supervision for domestic violence related offences are monitored by a specialized unit of probation officers, who work with treatment agencies to ensure compliance with court mandated treatment programs. A specialized prosecutions unit handles all docket court cases. Legal Aid provides full-time duty counsel to the court while domestic court case workers update victims on their cases and ensure they are given a voice in the court process.⁸⁷

⁸⁰ Ursel, Jane. (1994). The Winnipeg Family Violence Court. *Juristat*. Vol. 14, No. 12. http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvwinnipeg_e.html

⁸¹ Ursel, Jane. “Winnipeg Family Violence Court Report” in Pottie Bunge, V. & Locke, D. (eds.) (2000). *Family Violence in Canada: A Statistical Profile 2000*. Ottawa: Statistics Canada. Page 46.

⁸² Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

⁸³ Ibid.

⁸⁴ Ursel, Jane. “Winnipeg Family Violence Court Report” in Pottie Bunge, V. & Locke, D. (eds.) (2000). *Family Violence in Canada: A Statistical Profile 2000*. Ottawa: Statistics Canada. Page 46.

⁸⁵ Ibid.

⁸⁶ <http://www.homefrontcalgary.com/>

⁸⁷ McNichol, K. “HomeFront—Calgary’s Coordinated Response to Domestic Violence” in Johnson, H. & Au Coin, K. (eds.) (2003.) *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. p. 57.



This team reviews each case during a pre-court conference and considers factors such as the history and goals of the victim and accused and possible rehabilitative sentences involving mandated treatment. Priority is given to ensuring victim safety while also holding offenders accountable for their actions. The team also strives for early and efficient case resolution in order to break the cycle of violence as soon as possible.⁸⁸

The goals of HomeFront are:

- “To protect the community by providing services to victims including advocacy, information, and treatment services that promote the safety of victims and facilitate their active involvement in the criminal justice process.
- To increase public confidence in the justice system by providing an immediate and appropriate response to domestic violence.
- To hold the offender accountable for his/her behaviour through the imposition of legal sanctions and provision of opportunities for treatment and rehabilitation.
- To increase accessibility of diverse groups and populations to the justice system.
- To reduce gaps and avoid duplication of services through coordination and collaboration within the justice system and between the justice system and the broader community.”⁸⁹

Evaluation results. Process evaluations conducted in the summer of 2000 and the summer of 2001 revealed several successful elements, such as enhanced collaboration between justice and service sectors; early case resolution; community education and awareness; quick linkage to treatment options; good relationships with defence lawyers; efficient means of dealing with breaches; increased attention to the issue of domestic violence; and the creation of an Aboriginal Domestic Court Case Worker position. In addition, the evaluation found that Domestic Court Case Workers successfully contacted two-thirds of victims, one-tenth of them before the accused first appearance in court. As far as processing time, on average, cases were processed within two months of the first appearance date, which averaged two months after the offence, and data on sentencing showed that more than half of the accused plead guilty. Ongoing issues and challenges included: heavy workload and high volume of complex cases; high number of peace bonds issued in court; maintaining continuity of services to victims; and lack of training for service providing partners.⁹⁰

⁸⁸ Ibid.

⁸⁹ Detailed evaluation findings were not available. For an overview, see “HomeFront Project Interim Project Findings.” <http://www.prevention.gc.ca/en/library/publications/research/summaries/homefront.html>

⁹⁰ Ibid.



As part of an independent evaluation of the Court, 817 cases were tracked between May 1, 2001, and March 1, 2002. On average, the Court handled 117 cases per week and settled 62% of cases; cases that were not resolved in docket court were placed in trial court. Cases appeared within one month of the offence 70% of the time, and 73% of cases were processed within one month of first appearance. The most common docket court resolutions were community supervision through peace bonds⁹¹ (58%) and supervised probation (28%). The most frequent conditions were offender treatment (84%), alcohol/substance abuse treatment (52%), other counselling (27%), abstinence from alcohol (39%), and no contact with the victim (25%).⁹²

4.3 Yukon Domestic Violence Treatment Option

The Domestic Violence Treatment Option (DVTO) of the Yukon Territorial Court was established in 2000. The DVTO Court was designed as an alternative that would respond to the needs of complainants and encourage offenders to accept responsibility early in the process.⁹³ The Court allows offenders to participate in a variety of treatment options prior to sentencing, and victims receive support services, such as counselling and assistance with safety planning.⁹⁴

The Court operates on the following principles:

- “family violence is a learned behavior that can be changed;
- offenders need to take responsibility for their actions and be held accountable, while also being supported with counseling;
- early intervention by a multi-disciplinary team is essential;
- initial and ongoing support must be offered to victims and their families; and
- community based programs, counseling and supervision are more effective than incarceration in treating this type of behaviour.”⁹⁵

⁹¹ Peace bonds are used in cases where the offender is perceived to be at a low risk for re-offending and therefore a low risk to victim's safety; where the offender is willing to receive counselling; and where the victim desires a resolution that will not result in a criminal record for the accused and will potentially permit reintegration of the family unit. Offenders are always required to accept responsibility for the offence and most peace bonds include supervision by probation officers as well as conditions of treatment. Offenders subject to peace bonds are held to the same standards as those who are subject to probation orders, with breaches resulting in charges under the *Criminal Code*. Interim evaluation data indicate those who enter into peace bonds display a low rate of recidivism and since such dispositions can often be obtained early in proceedings, early entry into treatment is facilitated.

<http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

⁹² McNichol, K. “HomeFront—Calgary's Coordinated Response to Domestic Violence” in Johnson, H. & Au Coin, K. (eds.) (2003.) *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. p. 57

⁹³ White, Leah. “Domestic Violence Treatment Option Court (DVTO): A Yukon perspective on domestic violence in the courts” in Johnson, H. & Au Coin, K. (eds.) (2003.) *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. p. 58.

⁹⁴ Yukon Government. (2005, June). Yukon's Domestic Violence Treatment Option Court Featured in International Book. <http://www.gov.yk.ca/news/2005/05-172.html>

⁹⁵ White, Leah. “Domestic Violence Treatment Option Court (DVTO): A Yukon perspective on domestic violence in the courts” in Johnson, H. & Au Coin, K. (eds.) (2003.) *Family Violence in Canada: A Statistical Profile 2003*. Ottawa: Statistics Canada. Page 58.



The Court has specialized judges and defence lawyers, with probation officers, counsellors from the Spousal Abuse Program (SAP), and victim services regularly in attendance to provide assistance. Support for victims in the form of safety planning, referrals for counselling for themselves and their children, updates on offenders' progress, assistance with court attendance and preparation of victim impact statements is also provided. Domestic violence cases are fast tracked, and counsellors provide the Court with monthly progress summaries.⁹⁶

Those who have been charged in an incident involving domestic violence are assigned dates in the DVTO Court. The assigned defence counsel explains the court process to the accused, and if the accused chooses to proceed through the system, the matter is adjourned for about two weeks to enable SAP counsellors to determine whether the accused is eligible for treatment through the SAP. Accused who are ineligible, such as repeat offenders, enter the formal court system. If the accused is eligible and chooses to proceed, he appears in court to accept responsibility for the charges and sentencing is postponed for several months so that the offender can complete the SAP and receive treatment as needed. Accused attend court on a monthly basis to report on their progress. Upon completion of the treatment, the counsellor completes a written report, and copies are provided to the accused, defence counsel, the Crown, and the Court. After having reviewed the report and considered the progress of the accused as well as future counselling and safety issues, the sentencing judge imposes an appropriate sentence.⁹⁷

The DVTO Court is currently being independently evaluated, but some preliminary observations include:

- First Nations communities have been supportive of the DVTO as the focus on healing is consistent with their culture.
- Prior to the DVTO, approximately 75% of domestic violence cases collapsed, whereas with the current system, approximately 90% of offenders enter a guilty plea and receive treatment.
- The SAP has a high retention rate, with nearly 100% of offenders completing the program.
- The system has improved inter-agency collaboration, and all participants in the DVTO are now better informed about the issues and challenges surrounding domestic violence.⁹⁸

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Lilles, H. et al. (n.d.). The Domestic Violence Treatment Option: A Yukon Initiative. http://www.lfcc.on.ca/Lillies_DVTOPaper.pdf



In addition, the Yukon DVTO Court was recently profiled as an exemplary court practice in an international book about innovative court programs.⁹⁹

One issue that has raised some concern and is currently being explored by the Federal Provincial Territorial Working Group on Sentencing is “the delay in sentencing of up to one year pending completion of a treatment program.”¹⁰⁰

4.4 Spousal abuse policies and legislation in Canada: findings from the Federal-Provincial-Territorial Working Group¹⁰¹

The Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation was established in 2000 to review the implementation and status of mandatory charging, prosecutorial policies, and proposed legislative reforms related to spousal abuse. In 2003, the Working Group released its final report, which included conclusions and recommendations on a variety of subjects, including structures and processes such as domestic violence courts and legislation, spousal abuse charging and prosecution policies, and several support programs, including, among others, victim services and abusive partner intervention programs.

4.4.1 Structural and procedural findings

Specialized domestic violence courts

With respect to specialized domestic violence courts, the Working Group identified several components that appear to be critical features of successful models:

- “methods to expedite cases;
- sensitive, informed, appropriate service provided by trained justice professionals;
- co-ordination of justice system response (in policy and practice);
- co-ordination with a range of other service providers;
- early access to treatment by offenders (to capitalize on offender motivation to change and allow for a more immediate response);
- monitoring of offender compliance with meaningful sanctions to hold offenders accountable;

⁹⁹ Yukon Government. (2005, June). Yukon’s Domestic Violence Treatment Option Court Featured in International Book. <http://www.gov.yk.ca/news/2005/05-172.html>.

¹⁰⁰ Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html#22>

¹⁰¹ All information in Section 4.4 was taken from *Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation*, prepared for Federal-Provincial-Territorial Ministers Responsible for Justice, April 2003. Direct quotes appear in quotation marks.



- access to support, information, and referral by victims; and
- monitoring and evaluation of systems to assess effectiveness, and to identify areas requiring change or improvement.”

The Working Group recommended that jurisdictions continue to explore coordinated justice system responses to improve the processing of domestic violence cases, including specialized domestic violence courts. However, the Working Group noted that this need not include formally dedicated courts because an effective response can be achieved through specialized processes such as those implemented in Ontario.

Domestic violence legislation

Seven jurisdictions have passed civil domestic violence legislation (Saskatchewan, Prince Edward Island, Yukon, Manitoba, Alberta, Ontario, and Nova Scotia¹⁰²), and New Brunswick, Quebec and the Northwest Territories are considering adopting such legislation. The legislation complements, but does not supplant, the *Criminal Code* and enables the granting of two types of orders: a short-term emergency intervention or protection order and a longer-term victim assistance order, sometimes called a protection or prevention order, which has not been implemented in Nova Scotia due to low utilization rates in the other jurisdictions.

Short-term orders are available 24 hours a day either by telephone at the scene of a domestic offence or by appearance before a designated family violence justice of the peace, and include the following remedies:

- “granting exclusive occupation of the home to the victim;
- removing the respondent from the home;
- issuing a no contact/no communication order;
- ordering that the respondent cannot attend a specific place;
- sending a police officer to accompany the party removing personal belongings; and
- making any other provisions necessary to protect the victim.”

“Other provisions” could include, among others, ordering the offender not to take/sell/damage property, granting possession of certain personal property, seizing weapons, and granting temporary custody of children to the victim.

Perceived benefits of the legislation include providing the victim with immediate protection and practical benefits (e.g., exclusive occupation of the home and possession of personal property), minimizing disruption to victims and their children by placing the burden of finding alternative accommodation on the abuser, and sending the immediate message that the abuser’s behaviour is not acceptable.

The Working Group recommended that jurisdictions examine whether the adoption of domestic violence legislation would allow for broader and more immediate remedies than are currently available, with particular focus on provisions granting the victim exclusive occupation of the home, temporary possession of personal property, and temporary care and custody of the

¹⁰² In some of these jurisdictions, legislation has been passed but not proclaimed.



children, prohibition against selling, converting or damaging property, as well as provisions directing removal of the abuser and seizure of weapons. In cases where there are reasonable grounds for a charge, this legislation should not replace criminal charges but may be used concurrently.

The Working Group identified the following “critical success factors” to guide implementation of domestic violence legislation:

- offering training, including information about its relationship to the *Criminal Code*, prior to proclamation
- garnering community and stakeholder support
- implementing mechanisms and co-ordinating committees to ensure that problems (e.g., training or interpretation issues) are identified and addressed early
- monitoring and evaluation, including methods for tracking breaches of the legislation
- educating the public to ensure that victims and the community are aware of the legislation
- addressing application of the legislation on reserve or settlement land in consultation with Aboriginal communities to enlist their support, ensure protection of victims and their children, and ensure that the same degree of protection is available on and off-reserve
- providing legal aid resources to help women with the longer-term victim assistance orders in order to make them effective remedies.

4.4.2 Policy findings

Charging and prosecution policies on spousal abuse are in effect in all Canadian provinces and territories. Although some jurisdictions refer to their policies as “mandatory” and other as “pro,” both share a common objective of criminalizing spousal abuse and promoting deterrence at both the societal and individual level.

Pro-charging policies

Pro-charging policies on spousal abuse generally include the following elements:

- **Test:** laying charges when “there are reasonable and probable grounds to believe that an offence has been committed, regardless of the wishes of the victim;” in some jurisdictions, Crown must also determine “whether it is in the public interest to charge.”
- **Investigation:** police must conduct a complete investigation, collecting evidence from all available sources; some jurisdictions have tailored investigation forms.
- **Peace bonds:** neither peace bonds nor recognizance orders should be used instead of charges if there is sufficient evidence to warrant charges.
- **Withdrawal/stay of charges:** withdrawing/staying charges falls within Crown jurisdiction.
- **Release of an accused from custody by the officer in charge:** release of accused should include appropriate conditions (e.g., non-communication, substance or firearm



prohibitions); some jurisdictions require that victims be notified of release and accompanying conditions.

- **Victim services:** in most jurisdictions, police are expected to advise victims of available victim services and/or direct them to such services.
- **Pre-charge alternative measures:** a few jurisdictions permit pre-charge diversion of cases to alternative measures programs under certain circumstances.

The objectives of pro-charging policies are to remove the responsibility of whether or not to lay charges from the victim, to increase reporting and the number of charges being laid in spousal abuse cases, and to reduce re-offending. There is evidence to suggest that pro-charging policies have achieved these objectives. The Working Group therefore recommended the retention of pro-charging policies and that “the elaboration of pro-charging policies for spousal abuse specifically address, at a minimum, the following key issues:”

- **Test not met:** where there are insufficient grounds to believe an offence has been committed, but police believe the victim’s safety may be at risk, police should consider responses such as civil protection or recognizance orders; these alternatives should not, however, be used in cases where the test has been met.
- **Arrest:** pro-charge policy should not modify use of standard criteria to determine whether the offender is to be arrested; all circumstances should be evaluated prior to police making an arrest, with or without a warrant.
- **Dual charges:** in cases that initially suggest that dual charges be laid against both parties, police should use a “primary aggressor” screening model and/or seek Crown review and approval of dual charges.

Pre-charge diversion to alternative justice processes: the majority of the Working Group recommends against this process, whereas British Columbia and Prince Edward Island permit pre-charge diversion to “Alternative Measures programs established pursuant to the *Criminal Code* on Crown approval.”

- **Investigation:** police must be directed to conduct a complete investigation and collect available evidence from all sources, not only/primarily the victim.
- **Risk assessment:** police should apply validated tools to assess the safety and security of the victim throughout the process, including for bail purposes; police should receive ongoing training and education regarding risk assessment in spousal abuse cases.
- **Release of an accused from custody by the officer in charge:** the safety and security of the victim should be paramount in assessing whether there are reasonable grounds that the accused should not be released and consideration should be given as to whether there is a history of abuse, including previous breaches of bail/probation conditions and criminal/civil court orders. If released, the accused should be required to enter into an undertaking with appropriate conditions such as non-communication, non-attendance,



and firearms/substance prohibitions, and the victim should be advised of the release and of any applicable conditions.

- **Victim support:** police should be required to advise victims of and direct them to available victim services and other supporting agencies (e.g., shelters).

Pro-prosecution policies

Pro-prosecution policies on spousal abuse generally include the following common elements:

- **Test:** spousal abuse cases with reasonable prospects of conviction and where it is in the public interest to prosecute, should be prosecuted.
- **Reluctant and recanting witnesses:** in most jurisdictions, the decision to prosecute is made independently of the wishes of the victim; if a victim is reluctant/uncooperative, Crown counsel should assess the possibility of securing a conviction without the evidence of the victim and should seek the victim's support/cooperation in the prosecution. In all but exceptional circumstances, it is inappropriate to compel the victim to testify or seek to find the victim in contempt for non-attendance.
- **Withdrawal/stay of charges:** charges should be withdrawn/stayed only in exceptional circumstances.
- **Judicial interim release:** release of the accused should be subject to appropriate conditions (e.g., non-communication orders, firearms/substance prohibitions): in cases where there is a significant history of abuse (e.g., cases where there have been previous breaches of court orders), some jurisdictions direct the Crown to oppose release on bail. In most jurisdictions, Crown are directed to advise victims of the outcome of the bail hearing and any conditions.
- **Contact with the victim:** Crown counsel should try to meet the victim prior to the trial date and should advise victims or direct them to available victims' assistance services.

The objectives of pro-prosecution policies are to promote more rigorous prosecution of cases and victim cooperation in the prosecution, reduce case attrition by reducing the number of withdrawals or stays of charges, and reduce re-offending. There is some evidence to suggest that case attrition has been reduced; in London, Ontario, the proportion of charges dismissed or withdrawn has decreased. With respect to promoting victim cooperation in the prosecution, reluctance among female spousal abuse victims is still common; a recent study found the two most important determinants of victim cooperation in the prosecution to be the availability of victim assistance/support and videotaped testimony. Other studies have found that cooperation is more likely in cases in which victims receive needed social support from friends and family (e.g., financial assistance, child care) and when the victim receives timely and continuous information and support throughout the process.

The Working Group concluded that the test for pro-prosecution policy is not consistently interpreted. Some interpret it as requiring more rigorous prosecution of all cases regardless of other factors, as opposed to cases with reasonable prospects of conviction and where it is in the public interest to prosecute, which is the interpretation endorsed by the Working Group. The Working Group recommended the retention of pro-prosecution policies, with inclusion of victim support, enhanced investigative techniques, and broader criminal justice system responses with necessary safeguards to enhance the effectiveness of these policies.

The Working Group also recommended the elaboration of pro-prosecution policies for spousal abuse to address, at a minimum, the following issues:

- **Judicial interim release:** sufficient information should be provided by police to assess the risk to the victim's safety if the accused is released and the victim's concerns should be ascertained prior to the bail hearing. If the accused is released pending trial, Crown should seek appropriate conditions (e.g., non-communication, firearms/substance prohibitions), and the victim should be notified of the outcome, including conditions of release. If bail conditions are breached, Crown counsel should consider prosecuting and seeking an order cancelling the release.
- **Witness information, notification and support:** victims should be provided with timely information about their case (e.g., via police, victim witness assistant, or Crown counsel) and receive support (e.g., from victim witness assistants) throughout the process.
- **Reluctant and recanting witnesses:** where a victim is unwilling/unable to testify/support the prosecution, Crown counsel (via police or victim services workers) should seek to determine the reason. If the recantation is not credible, Crown counsel should consider whether there is other evidence on which to proceed. If there is no reasonable prospect of conviction, the prosecution should be terminated.
- **Peace bonds:** recognizance orders under section 810 of the *Criminal Code* should not to be used in lieu of prosecution if the pro-prosecution policy's test has been met
- **Post-charge referral to alternative justice processes:** most of the Working Group generally does not recommend use of post-charge alternative justice processes; British Columbia and Prince Edward Island only allow post-charge diversion to Alternative Measures programs in accordance with the *Criminal Code* on Crown approval.
- **Sentencing:** In making sentencing recommendations, Crown counsel should:
 - consider section 718.2 of the *Criminal Code*, under which spousal or child abuse are aggravating factors for sentencing purposes;
 - ensure that the victim has had an opportunity to prepare and present a victim impact statement (section 722.2 of the *Criminal Code*); and
 - seek appropriate conditions from the court as part of the sentence (e.g., non-communication and non-attendance, firearms/substance prohibitions, and, if appropriate, counselling and/or treatment in an approved abusive partner intervention program).

4.4.3 Support programs findings

Victim services

The Working Group defines victim services in this context as services provided as a result of the victim's involvement with the criminal justice system that are distinct from other services that may be provided for victims, such as shelters. The objective of victim services is to enhance the safety and well being of victims, and some victim services have the added objective of ensuring that the victims co-operate with justice system processing and do not change their testimony or otherwise withdraw their co-operation.

All jurisdictions offer victim services, but the scope of the services and the delivery agents differ significantly. They can be police-based, system-based (including correctional), or community-based and may be delivered by government, police or community organizations, or paid staff or volunteers. Services offered include crisis intervention, advocacy and support, court accompaniment, information about case status, assistance with victim impact statements, referral to other services and criminal injuries compensation. Services vary according to the needs and capacity of each community. Some areas offer no criminal injuries compensation program, and some offer little or no counselling, support, or court accompaniment.

The Working Group identified several components of an effective victim service, including:

- “intervention as soon as possible following the incident;
- access and referral to a continuum of services;
- services that recognize the unique needs of spousal/partner abuse victims;
- collaboration and co-ordination among agencies providing services;
- clarity of roles (between criminal justice-based victim services and community support agencies); and
- availability of information and effective communication mechanisms among players within, and external to, the justice system.”

The Working Group recommended that jurisdictions continue to offer victim services and, at minimum, offer the following services:

- “information about abuse, the criminal justice system, the role of the victim-witness, and case status;
- referral and access to a range of supporting agencies and services to meet the multiplicity of victim needs;
- victim notification of and participation in decisions regarding the release of accused individuals and offenders, and conditions associated with the release;
- emotional support crisis intervention;
- assistance with victim impact statements; and
- risk assessment and safety planning.”

Abusive partner intervention programs

Abusive partner intervention and treatment programs are offered in most Canadian jurisdictions and always include group counselling, sometimes supplemented by individual counselling. Complementary counselling for victims is also often provided. Programs are offered by justice ministries, departments of health or social services, or by private government-funded agencies.

In Ontario, under a post-plea referral program, eligible offenders who plead guilty and complete a treatment program are given a conditional sentence, which differs from American diversion programs, in which prosecution is deferred or charges are dropped. Completion rates have been higher for Ontario's early intervention programs than for court-ordered post-sentence programs, but it is unclear whether this is due to the characteristics of the offender or to the accountability mechanism of having a final court date following treatment.

While acknowledging the need for further research to reconcile some of the contradictory findings in this area to date, the Working Group identified the following key elements of an effective response:

- a partner outreach component offered irrespective of the offender's participation in the abusive partner intervention program
- a component addressing the impact of offenders' violence on their children
- links to services offered to victims and their children to allow victims to make informed choices about their safety
- assessment of the perpetrator's potential to succeed in the program (screening for program suitability and consideration of the program's relevance to the abuser's characteristics)
- program admission as early as possible following the offence
- close ties to probation and to the court to ensure offender monitoring, timely action on breaches, and provision of accurate information on offender participation (offender accountability)
- accountability and monitoring mechanisms to address the impact on offenders and the problem of high attrition (with meaningful sanctions for non-compliance)
- a consistent, agreed-upon definition of success.

The Working Group recommended that jurisdictions continue to develop programs for abusive partners that reflect evidence-based practice and that support rigorous research and evaluation to aid in determining elements of an effective response.



4.4.4 Elements of effective response

The Working Group also identified several elements of an effective response to domestic violence that hold true regardless of the nature or focus on the specific intervention. These include:

- shared goals and objectives (e.g., victim safety and offender accountability) among all participants from various disciplines;
- “a sound procedural framework with clear protocols for intervention and information-sharing for each component, sector and discipline;
- commitment to co-ordination, collaboration and co-operation among all partners;
- training that emphasizes individual roles and responsibilities and links with other components;
- consistent policies that underscore commitment to goals at all levels of the organization;
- appropriate resources to provide services; and
- accountability mechanisms (for offenders, for justice system personnel, and for professionals of other systems and disciplines).”



5.0 International programs

Specialized domestic violence courts have been adopted in many countries. This section focuses on the experiences of domestic violence courts in the United States, the United Kingdom, and Australia.

5.1 United States

Cook County, Illinois, was the first jurisdiction in the United States to enact a special approach to domestic violence cases by establishing a criminal domestic violence calendar with dedicated court staff.¹⁰³ From this start, the number of specialized domestic violence courts has grown to over 300.¹⁰⁴

Specialized domestic violence courts in the United States take many forms. The most ambitious combine components of the legal system (such as criminal and civil proceedings) with other services, such as the provision of representatives from domestic violence advocacy agencies to victims.¹⁰⁵ Some specialized courts have focused exclusively on criminal matters, whereas others have operated in a civil setting, handling requests for protective orders and their enforcement. One of the earliest domestic violence courts, the specialized court in Quincy County, Massachusetts (started in 1987) initially worked to prioritize cases involving domestic violence restraining orders over other civil matters, although it was not strictly speaking a civil only court since it was involved in criminal matters through referrals to the District Attorney's office. Since then, other courts, such as the Dade County, Florida, specialized domestic violence courts and the Integrated Domestic Violence (IDV) Courts in New York State, have integrated both civil and criminal matters.¹⁰⁶

In 2000, Susan Keilitz conducted a national survey of specialized domestic violence case management in the courts.¹⁰⁷ The study comprised written questionnaires completed by 103 courts (72 general jurisdiction courts, 28 limited jurisdiction courts) from 22 states and three family courts), telephone interviews with representatives from 82 of these courts, and a Delphi panel that included 27 professionals (judges, court managers, and other domestic violence experts and practitioners). The study revealed that processes, structure, and goals varied across jurisdictions, and few patterns emerged. Some of the key findings were:

- The most common purposes for establishing specialized procedures for domestic violence were to “better assist victims” (83%); “increase victim safety” (83%); “improve case management” (78%); and “increase offender accountability” (75%). Keilitz noted that although the goals of increasing victim safety and holding offenders accountable was

¹⁰³ Center for Court Innovation. Chronology. http://www.problem-solvingcourts.org/ps_chronology.html and Women's enews. (2005). New York Courts Untangle Domestic Violence. <http://www.womensenews.org/article.cfm/dyn/aid/2324/context/archive>

¹⁰⁴ Center for Court Innovation. Chronology. http://www.problem-solvingcourts.org/ps_chronology.html

¹⁰⁵ Goldfarb, S. (n.d.). *Combating Violence Against Women in the Legal Domain*.

¹⁰⁶ Cook, D. et al. (2004). Evaluation of Specialist Domestic Violence Courts/Fast Track Systems. <http://www.cps.gov.uk/publications/docs/specialistdv courts.pdf>

¹⁰⁷ Keilitz, Susan. (2000). *Specialization of Domestic Violence Case Management in the Courts: A National Survey*. National Center for State Courts. <http://www.ncjrs.org/pdffiles1/nij/grants/186192.pdf>



predominant, nearly 20% of courts did not identify increased victim safety as a goal, and one-quarter did not identify increased offender accountability.

- Specialized processes for managing domestic violence cases included: case screening, specialized calendars, intake units, specialized judicial assignment, and court-ordered and monitored batterer intervention programs. Most courts have some of these components, but few have all, and combinations and configurations varied so dramatically across jurisdictions that no clear patterns emerged.
- Of the 103 courts, 29% have judges that are exclusively assigned to domestic violence cases, 49% have a mixed caseload that includes a specialized domestic violence calendar, and 22% have judges that are not specialized in their assignments at all. Of the 103 courts, 65 have an intake unit or process for domestic violence cases, but practices vary greatly. Screening of domestic violence cases for related cases is done by 66 of 103 courts, and the purpose of such screening varies considerably across jurisdictions. Monitoring and batterer intervention programs were addressed in the telephone survey, which only included 82 of the original 103 courts. Of the 82 courts, all but one have some sort of monitoring mechanism in place, and 71 reported that they frequently order offenders to participate in batterer intervention programs.
- Of the 103 courts, 75 reported that they regularly provide some type of service to victims or link victims to services. However, the only service provided by more than half of the courts was the assignment of advocates for the victim (51%). The next most common services were emergency housing (36%), general community support services (33%), and survivor support groups (33%).

Keilitz concluded that there was a need for specialized domestic violence courts to move toward a shared set of goals and processes.¹⁰⁸

In consideration of the large number of domestic violence courts in the United States (upwards of 300) as well as the fact that there are differing models, focus will be given to New York State (and New York City, in particular), which has been one of the jurisdictions at the forefront with respect to specialized domestic violence courts. Some of the specialized courts in other US states, particularly those for which evaluation data are available, will also be noted.



5.1.1 New York State

New York has been at the forefront in the implementation of specialized domestic violence courts. All five boroughs of New York City have specialized domestic violence courts to hear misdemeanour cases, while three boroughs (Brooklyn, Queens, and the Bronx) have specialized domestic violence felony courts.¹⁰⁹ In addition, in 2001, New York implemented a pilot project of Integrated Domestic Violence (IDV) Courts throughout the state. By the end of 2005, there are expected to be 27 such courts in operation in the state of New York. These courts exist to handle all related cases pertaining to a single family with domestic violence as an underlying issue, meaning that one judge is empowered to handle family, criminal, and matrimonial matters. Cases must involve criminal allegations of domestic violence to be eligible, and also have related cases in at least two of the three areas of the law.¹¹⁰ IDV Courts handle the cases of families with simultaneous cases, whereas specialized domestic violence courts handle cases that only involve domestic violence misdemeanour or felony cases.¹¹¹

The sections to follow will describe the Brooklyn Felony Domestic Violence Court with findings from an evaluation conducted shortly after the court was implemented. Evaluations of specialized domestic violence courts handling misdemeanour cases will also be examined.

The Brooklyn Felony Domestic Violence Court

In 1996, the Brooklyn Felony Domestic Violence Court (FDVC) opened to handle all indicted domestic violence felonies in the borough of Brooklyn (Kings County). The court team, which included a judge (expanded now to two full-time judges), attorneys, victim advocates and a resource coordinator, ensured that defendants were monitored, that victims had access to comprehensive services, and that the judge was provided the information required to make quick and effective decisions. To ensure consistency and standard practices, the same judge and prosecutor/advocate team handles the case throughout the court process with a few exceptions for cases that go to trial. The other key features of the FDVC include:

- Regular multi-agency meetings and multi-disciplinary training of the core partner agencies, which includes court personnel, a public/private partnership organization that focuses on court innovation, district attorney's office and its counselling services unit, non-profit victim advocacy organizations, and probation officers. Interestingly, the police were not listed as one of the core partners.
- A specialized caseload where almost all domestic violence felonies in the jurisdiction are heard in the FDVC.
- Designated and specially trained court, prosecution, batterer treatment, probation, and victim services personnel. The judges are to take the lead in implementing this model.

¹⁰⁹ Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>

¹¹⁰ <http://www.courts.state.ny.us/ip/domesticviolence/keyprinciples.shtml>

¹¹¹ Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>



- To ensure the adequate and efficient flow of information, each judge has a resource coordinator and the offender treatment and victim services staff have dedicated personnel that serve as court liaisons.
- The court monitors attendance at batterer treatment programs. Accused who are released are almost always ordered to attend one of these programs; in addition, offenders also are routinely ordered into treatment as part of their sentence.
- Both prosecution victim services as well as community organizations are involved in ensuring victims have early and regular assistance.¹¹²

To assist the flow of information between the core partners and the Court, the FDVC also has developed a Technology Application and Resource Link. The Court and its partners can both input and access information provided by other agencies. For example, the victim advocate can enter information on violations of protective orders (with victim consent) and once entered, the court resource coordinator receives an automatic notification of new information in need of attention and is sent a link to the victim advocate's report.¹¹³

The Court has become a model for other New York state domestic violence courts, such as those in the Bronx, Queens, and Westchester Counties, and the city of Buffalo.¹¹⁴

Evaluation results. The court has been studied as part of an independent evaluation in 2001, which compared 136 cases handled by the FDVC in the first half of 1997 with 93 cases handled by general felony courts in the 18 months prior to the implementation of the FDVC and made the following main findings:

- District attorneys began charging defendants who previously may have been charged with misdemeanours with felonies in order to bring enhanced monitoring and victim services to their cases.
- The dismissal rates ranged between 5-10% of indicted cases.
- Under the specialized court, all victims were assigned advocates, compared to 55% of victims before the Court was established.
- Although defendants were more likely to be released pending a disposition, they were more likely to be required to participate in a batterer's intervention program.

¹¹² Newmark, L. et al. (2001). *Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience*. Washington D.C.: The Urban Institute.
<http://www.urban.org/pdfs/DomViolCourts.pdf>.

¹¹³ Newmark, L. et al. (2001). *Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience*. Washington D.C.: The Urban Institute.
<http://www.urban.org/pdfs/DomViolCourts.pdf> and Pamela Young. (2001). *An Informed Response: An Overview of the Domestic Violence Court Technology Application and Resource Link*. New York, NY: Center for Court Innovation. Retrieved on September 20, 2005 from
http://www.courtinnovation.org/demo_o4bdvc.html.

¹¹⁴ Center for Court Innovation. *Brooklyn Domestic Violence Court*. Retrieved on September 12, 2005 from
http://www.courtinnovation.org/demo_o4bdvc.html.

- The FDVC had a higher rate of disposition by guilty plea, but conviction rates did not increase, nor did sentencing patterns change.
- The FDVC, on average, spent slightly more time processing cases.
- Criminal history, particularly criminal contempt of court orders, predicted how well offenders performed pre- and post-disposition. Rates of pre-disposition repeat arrests did not vary among courts, but post-disposition arrest rates were double for cases processed by the FDVC, which may be due in part to the enhanced monitoring of offenders.¹¹⁵

The FDVC also experienced several challenges. The model requires an intensive use of existing resources, which made it difficult to provide the level of services desired while still meeting the needs of timely case processing. In addition, the original batterer intervention program stopped receiving clients because of difficulties in reporting activities and court concerns with the quality of the program. Victim services and batterer intervention programs were sometimes too limited to meet demand. In particular, the breadth of available community services was not always sufficient to meet the needs of victims. The defence bar also creates challenges as its members have raised a number of concerns and objections to the FDVC, such as the implication of guilt that comes from being ordered into pre-disposition batterer intervention programs.

Specialized Domestic Violence Courts (Misdemeanour) in New York City

All five boroughs of New York City have specialized domestic violence courts that hear misdemeanour cases. These courts are designed similarly to the felony courts in that they have a multi-disciplinary team consisting of judges, a judicial hearing officer, a dedicated prosecution team, a project director, resource coordinator, defendant monitors, and victim advocates. Several studies sponsored by the New York City Criminal Justice Agency have examined the impact of these specialized misdemeanour domestic violence courts. Some of these studies and their findings are summarized below.

One study examined non-felony domestic violence cases from the third quarter of 1998 and compared cases processed in Brooklyn and the Bronx (which had specialized domestic violence courts) with cases processed in Manhattan (which did not have a specialized court at that time). Some of the key findings from this study were that offenders processed in Brooklyn and the Bronx were more likely to be monitored through batterer intervention programs, whereas offenders processed in mixed docket courts were more likely to be sentenced to jail. In addition, cases were processed more quickly in specialized domestic violence courts. There were no significant effects on conviction rates or the length of jail sentences imposed.¹¹⁶

A follow-up study examined re-arrests of domestic violence offenders processed through these courts for new domestic violence offences. Brooklyn and the Bronx (specialized domestic violence courts) had higher re-arrest rates than Manhattan (mixed docket court) with legal, case processing, and demographic variables controlled for. It was concluded not that specialized

¹¹⁵ Ibid.

¹¹⁶ Peterson, Richard R. 2002. *Cross-Borough Differences in the Processing of Domestic Violence Cases in New York City Criminal Courts*. New York: New York City Criminal Justice Agency. Cited in <http://www.cjareports.org/reports/manhat46.pdf>



courts increase recidivism, but rather that re-arrests in Manhattan were more likely to be incorrectly classified as non-domestic violence re-arrests.¹¹⁷

The most recent study considered the impact of the specialized domestic violence court established in Manhattan by comparing data from the third quarter of 1998 (before the court was established) with data from the first quarter of 2001 (after the court was established). This study had a number of key findings:

- Conviction rates and the rates at which cases were dismissed remained the same.
- Sentencing patterns changed, as the proportion of those convicted who received jail sentences was lower in 2001 than 1998 (27% vs. 31%) whereas the proportion who received conditional discharge was higher in 2001 (67% vs. 54%). This change likely reflects the increase in the use of batterer intervention programs as a condition of conditional discharge.
- Case processing time to final disposition decreased from an average of 18 weeks in 1998 to 13 weeks in 2001.
- Re-arrest rates for domestic violence offences within 18 months of disposition were 12% for 1998 and 16% for 2001, but since re-arrest for all types of offences were the same in both years at 37%, this change is probably due to more accurate identification of re-arrests as domestic violence offences in 2001.
- The severity of the final conviction charge was lower in 2001 (47% were disposed as A Misdemeanours compared to 34% in 1998), suggesting that the specialized court changed the dynamics of plea bargaining.
- The volume of domestic violence cases in Manhattan was 26% higher in 2001 than in 1998; since domestic violence complaints actually declined during this period, the increase is likely due to better efforts to identify and track domestic violence arrests and monitor re-offending by domestic violence defendants.
- There was a reduction in the length of jail sentences (from an average of 65 days in 1998 to 48 days in 2001), but this was not statistically significant due to small sample size.¹¹⁸

A study conducted by the National Institute of Justice examined the impact of the simultaneous establishment of a domestic violence prosecution bureau and how the domestic violence criminal court handled cases of misdemeanour or lesser severity in Queens, New York. It was found that conviction rates increased from 30% to 60% and the volume of cases increased from 3,500 to

¹¹⁷ Peterson, Richard R. 2003a. *The Impact of Case Processing on Re-arrests Among Domestic Violence Offenders in New York City*. New York: New York City Criminal Justice Agency. Cited in <http://www.cjareports.org/reports/manhat46.pdf>

¹¹⁸ Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>

4,700 a year. However, data on case processing time, sentencing patterns and re-arrests were not reported.¹¹⁹

The Bronx Misdemeanor Domestic Violence Court opened in 1998 and is staffed by two judges, a judicial hearing officer, a dedicated prosecution team, a project director, a resource coordinator, two defendant monitors, and several victims advocates. The Court hears all domestic violence misdemeanor cases (about 4,000 a year) and is responsible for monitoring defendants who are mandated to attend a program as a condition of their sentence. In 2004, a study examining predictors of program outcome and recidivism at the Bronx Misdemeanor Domestic Violence Court was published. Case characteristics and outcomes were analyzed for 439 defendants sentenced by the Court to conditional discharge or probation and assigned to one of the three following program mandates: 1) batterer intervention only (64%); 2) batterer intervention with substance abuse treatment (24%); or 3) substance abuse treatment only (11%). In addition, case characteristics and outcomes were analyzed for 870 defendants sentenced by the Court within the same time period who were not mandated to batterer or substance abuse treatment. The 870 defendants received the following sentences: jail (50%), probation (11%), and conditional discharge with a program mandate other than batterer intervention or substance abuse treatment or with no program mandate (39%).

The main findings of this study were:

- Overall, half of the defendants in the program mandate group did not complete their program mandate; non-completion rates were 42% for the batterer intervention only group, 67% for those in the combined batterer intervention/substance abuse treatment group, and 60% in the substance abuse treatment only group.
- In terms of recidivism, there were few significant differences among the three mandated program groups; overall, from index arrest to two-years post-release, 62% of these defendants were rearrested, which constitutes a high recidivism rate.
- Among those mandated to one of the three programs, the strongest predictors of mandate non-completion were prior arrests and assignment to either of the two programs involving substance abuse treatment; non-completion in turn predicted recidivism. Mandate non-completion was also predicted by non-compliance at the first court monitoring appearance following sentencing, meaning that defendants with early compliance problems were likely to never complete their mandates. Younger age also predicted non-compliance and recidivism, and unemployment at the time of arrest predicted non-completion.
- Defendants in the group of 870 cases were more likely to have received a jail sentence and were therefore also more likely to have a prior and a more serious criminal history and to have been previously incarcerated. Not surprisingly, recidivism was higher among these defendants, and from index arrest to two-years post-release, 78% were rearrested.

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Miller, Neal. 1999. *Process Evaluation of the Queens County Arrest Policies Project*. Washington, D.C.: National Institute of Justice. Cited in Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency <http://www.cjareports.org/reports/manhat46.pdf>

- Criminal history was not as strong a predictor of recidivism for the sample of 870 defendants as it was for the program mandate sample, which could in part be due to the high prevalence of prior arrests among this first group. For defendants in the 870 sample, the strongest predictors of recidivism were younger age, prior drug arrests, and prior convictions.
- Overall, the single greatest predictor of program non-completion and recidivism for both sample groups was prior criminal history, although further distinctions were necessary for the sample of 870 cases (prior drug arrests and prior convictions, in particular). Since criminal history is already available to the Court, the authors concluded that courts have a powerful tool for predicting negative outcomes, although the question of how and to what purpose to use this data requires further exploration.¹²⁰

5.1.2 Specialized domestic violence courts in other US jurisdictions

Milwaukee, Wisconsin¹²¹

Milwaukee adopted a pro-arrest policy in 1986 and a mandatory arrest policy three years later. In September 1994, a specialized domestic violence court was introduced; the district attorney's office created a special unit to handle prosecutions in the court, and the prosecutors, judge, and other court staff were selected on the basis of their background and interest in domestic violence cases. The new court ensured that trials were scheduled within 60 days of intake and seldom postponed.

Two additional courts were added in 1995 after the Milwaukee County District Attorney's Office implemented a more aggressive "no-drop" prosecution policy in domestic violence cases. In 1997, the system was expanded to include a further two specialized domestic violence prosecutors, three victim/witness specialists, and contracts with community-based victim service organizations to enhance services and advocacy to victims. In 2000, a grant enabled the hiring of an additional prosecutor, one victim/witness specialist, two hourly process servers for subpoenas in domestic violence cases, and one sexual assault victim advocate. Milwaukee is also participating in the Judicial Oversight Demonstration (JOD) Initiative, for which it has received a grant to help fill any gaps in the county's response to domestic violence. Changes under the JOD include the addition of specialized domestic violence detectives, additional prosecutors, pre-trial supervision provided by two pre-trial agents, monitoring following conviction and sentencing, and a tracking system to enhance communication among the parties involved.

¹²⁰ Puffett, N., & Gavin, C. (2004). *Predictors of Program Outcome & Recidivism at the Bronx Misdemeanor Domestic Violence Court*. New York: Center for Court Innovation. Retrieved from <http://www.courtinnovation.org/uploads/documents/predictorsbronxdv.pdf>

¹²¹ All information for this section from: Davis, Robert C., Smith, Barbara E., and Rabbitt, Caitlin R. (n.d.). Research notes: Increasing convictions in domestic violence cases: A field test in Milwaukee. http://www.ncsconline.org/WC/Publications/KIS_FamVioJSJV22No1.pdf and the Judicial Oversight Demonstration Initiative. Fact Sheet 2004. http://www.vera.org/publication_pdf/jodi_milwaukee_fact_sheet.pdf

To assess the court's impact, cases handled by the new court (n=190) shortly after its implementation in September 1994 were compared with cases handled in the general misdemeanor courts prior to the implementation of the specialized court (n=237). Key findings include:

- Case processing time was cut in half (from 166 days to 86 days).
- Before the creation of the special court, 49% of victims said their cases took longer than expected to be disposed, 29% said about as long as they had expected, and 22% said less time than expected; of those processed through the special court 31% said longer than expected, 31% as long as expected, and 39% less time than expected.
- The proportion of guilty findings rose from 56% to 69%, which was primarily attributed to an increase in guilty pleas.
- Jail sentences (either alone or in combination with probation) dropped from 75% to 39%. Possible explanations include the sentencing philosophy of the judge in the special court or that sentencing concessions were made to expedite the process and obtain quicker pleas.
- No contact or limited contact orders increased from 58% prior to the special court to 75%.
- Coincident with the beginning of the new court, convictions increased by about 25%, meaning that more defendants overall were placed in treatment programs.
- Victim interviews suggested a decline in coercion by abusers: 55% of defendants in the pre-specialized court attempted to get them to change their minds about testifying, compared to 28% of the post-specialized defendants. The proportion of victims reporting abuse after the case was over (in victim interviews) declined from 30% in the pre-specialized court sample to 16%.
- No significant differences were found in satisfaction with judges, victim advocates, or their overall assessment of treatment by officials. Victims in the post-specialized court sample were slightly more likely to say that they felt safer because of the case outcome, despite little difference in the level of victim satisfaction with the case outcome between the two court samples.

Two differences in the levels of victim satisfaction were contrary to expectation. Just over four-fifths of victims from the pre-specialized court were satisfied with the prosecutor compared to two-thirds from post-specialized court. In addition, 98% of the pre-domestic violence court sample said that they would go to court if they were hurt again, compared to 86% from specialized court. It is believed these findings reflect changing domestic case-screening practices that resulted in an increase in the proportion of domestic violence arrests accepted for prosecution from 15% (at the time of the pre-specialized sample) to 30% (at the time of the post-specialized sample). Data showed that these latter victims were less interested in seeing the defendant prosecuted (72% post-specialized court vs. 85% pre-specialized court) and even less interested in seeing the defendant jailed than victims in the pre-specialized court sample (38%



post-specialized court vs. 72% pre-specialized court). Therefore, victims in the post-specialized court sample may be less satisfied with the court process (and particularly the prosecutor's handling of the case) because many did not want the defendant prosecuted in the first place.

San Diego, California

San Diego has an extensive system to address domestic violence, which has continued to evolve and expand. In the early 1990s, the YMCA and Centre for Community Solutions (a legal aid clinic) became on-site partners in the City Attorney's Child Abuse and Domestic Violence (CADV) Unit. Since that time, this "one-stop shop" for victims of domestic violence has continued to expand.¹²² Other partners include the San Diego Family Probation Department, which offers specialized probation officers, and the San Diego Domestic Violence Council, which is the coordinating body for over 125 agencies working in the field of domestic violence intervention and prevention.¹²³

In addition, the City of San Diego Police Department has a specialized Domestic Violence Investigations Unit, which was formed in August 1992 and consists of 19 detectives, three sergeants and 10 to 15 clerical support and volunteer personnel. Each person who works in this unit has requested the assignment, and each undergoes intensive training.¹²⁴

Recently, all offenders on-probation, both felony and misdemeanor, have been required to attend a 52-week batterer intervention program. The probation officer works closely with the domestic violence court to ensure compliance.¹²⁵

In 2000, Angene studied the introduction of a specialized domestic violence court in San Diego County, which was established to hear cases with misdemeanour charges. The study compared outcomes before and after the introduction of the specialized court in the late 1990s. Key findings were:

- Case processing time declined from 57 days to 15 days.
- There was no change in proportion of defendants convicted (93%) or proportion of convicted defendants assigned to batterer intervention programs (85%).
- The proportion of convicted defendants who were incarcerated decreased from 61% to 33%, but the median length of sentences increased from 45 days to 60 days.
- Recidivism (defined as new police contact for domestic violence within one year of conviction) decreased from 21% to 14%.¹²⁶

It should be noted that these evaluation findings are several years old, and response to incidents of domestic violence in San Diego has been expanded and changed since this time.

¹²² San Diego Family Justice Center. <http://familyjusticecenter.org/main.htm>.

¹²³ Ibid.

¹²⁴ The City of San Diego. Police Department Domestic Violence Unit. <http://www.sandiego.gov/police/about/domesticv.shtml>

¹²⁵ Bugarin, Alicia, and Nieto, Marcus. (n.d.). California county approaches to domestic violence. <http://www.library.ca.gov/crb/03/13/03-013.pdf>

¹²⁶ Findings from Angene, Lyn. (2000). *Evaluation Report for the San Diego County Domestic Violence Courts*. San Diego, CA: San Diego Superior Court, reported in Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>



Minneapolis, Minnesota

In November 2000, the Fourth Judicial District initiated a new domestic violence court calendar to handle arraignments and pre-trial hearings for domestic violence cases in Minneapolis.¹²⁷ In addition, the Domestic Abuse Service Center (DASC) project involves the Fourth Judicial District Court, Hennepin County Attorney's Office, Hennepin County Sheriff's Office, Minneapolis Police Department, Minneapolis City Attorney's Office, Hennepin County Probation, Department of Children and Family Services, and several domestic abuse advocacy groups from the community. District Court staff prepare temporary Orders for Protection or Harassment Restraining Orders, which are submitted to the judge for review, and then processed by the Hennepin County Sheriff's Department. The Center includes a Minneapolis police officer to investigate domestic abuse charges, a City and County Attorney to assist with prosecution, corrections staff, Department of Children and Family Services Staff, and volunteers and advocates that accompany victims to court. Center staff can also connect victims with additional services.¹²⁸

An evaluation of the impact of the Minneapolis domestic violence court revealed that:

- Case processing time declined following the introduction of the specialized court.
- The conviction rate increased by 18%.
- Pre-trial arrests for new domestic violence cases remained unchanged, but post-disposition re-arrests for new domestic violence cases declined slightly (from 18% before the specialized court to 14% after).¹²⁹

Lexington, South Carolina¹³⁰

In November 1999, a criminal domestic violence court was established in Lexington County, South Carolina, with the aim of enhancing victim safety and holding offenders accountable by increasing fines and jail time and emphasizing mandatory batterer treatment programs. All non-felony domestic violence cases are referred to the court, which uses a collaborative, multi-partnership approach. The team includes two investigators, a prosecutor, a victims' advocate, a court administrator, and two mental health workers to diagnose and assign offenders to appropriate treatment programs, all of whom work together to ensure that cases are processed as efficiently as possible.

¹²⁷ Silent Witness National Initiative newsletter. (2004).

http://www.silentwitness.net/newsletter_archive/news072204.htm

¹²⁸ Fourth Judicial District Court, State of Minnesota. Domestic Abuse Service Center.

<http://www.courts.state.mn.us/districts/fourth/Family/DA/damain.htm>

¹²⁹ Findings from Ekberg, Deborah A. and Podkopać, Marcy R. (2002) *Domestic Violence Court: Case Processing Update and Recidivism Analysis*. Minneapolis, MN: Fourth Judicial District of the State of Minnesota reported in Peterson, R. (2004). *The Impact of Manhattan's Specialized Domestic Violence Court*. New York: Criminal Justice Agency. <http://www.cjareports.org/reports/manhat46.pdf>

¹³⁰ Gover, Angela R., et al. (July 2003). *The Lexington County Domestic Violence Court: A Partnership and Evaluation*. Columbia, SC: Lexington County Sheriff's Department. Retrieved on September 10, 2005 from <http://www.crim.ufl.edu/faculty/ag/Lexington%20County%20Domestic%20Violence%20Court.p>



Following arrest, defendants are either detained or released on a “no-contact bond.” Investigators are immediately assigned to cases, and advocates contact the victims. During case adjudication, all representatives of the court, including the victim advocate, investigators, and mental health workers, are present. Defendants can choose to have a bench trial, jury trial, plead guilty, or participate in pre-trial intervention. Those who choose pre-trial intervention receive treatment and have to pay fees in place of a guilty plea, bench trial, or a jury trial. This is only an option for those who are not currently on probation and have no prior felony or criminal domestic violence convictions.

A process and impact evaluation of the court revealed the following key findings:

- Recidivism dropped from 19% to 12% following the implementation of the specialized domestic violence court.
- The number of arrests increased by an average of 5.57 per month following the implementation of the specialized domestic violence court.
- The majority (88% of victims and 86% of defendants) said that the specialized court treated them with “respect and dignity.” When asked to rate the quality of care received by the court, 73% of victims rated it “excellent” or “good.” Victims were asked if, based on their experience, they would recommend that other victims “seek prosecution.”
- Approximately, 90% of victims would recommend that other victims seek prosecution. Both victims and defendants were asked for their overall impression of the way their cases were handled; the most common response from victims was “good,” and the most common response from offenders was “fair.”

District of Columbia¹³¹

The District of Columbia’s Domestic Violence Project includes three interrelated components located in the Superior Court for the District of Columbia: a centralized domestic violence intake unit, a specialized clerk’s office unit, and dedicated domestic violence courtrooms and judicial assignments, that last of which is referred to as the Domestic Violence Unit (DVU). The DVU features courtrooms, judges, and clerk’s office staff dedicated to domestic violence matters, and the intake unit assists victims with the filing of petitions for protection orders. Although the DVU does not have a “one judge-one family” policy, efforts are made among judges in the DVU to review orders issued by colleagues to avoid issuing conflicting orders; the clerk’s office attempts to provide the DVU judge with case files for all pending family matters (e.g., custody, visitation, divorce, and paternity) related to the parties. Often, the pending family matter(s) and any new family matters filed while the domestic violence case is pending are joined to the domestic violence case.

An evaluation of the project conducted between 1998 and 2000 involved a review of administrative data, as well as 250 case files of intake unit clients who completed at least an initial interview and 250 case files of petitioners of protection orders who made use of the intake unit between August and October 1998. The evaluation also included interviews with clients and

¹³¹ Steketee, M.W., et al. (2000). Implementing an Integrated Domestic Violence Court: Systematic Change in the District of Columbia. Retrieved from http://www.ncsconline.org/WC/Publications/Res_FamVio_ImplementIntegratedDVCrtFinalReportPub

with system participants (judges, prosecutors, and intake staff) and several days of observation in DVU courtrooms. Key findings are as follows:

- Monthly total cases for disposition were at an all-time high in October 1998 (1,884 cases), while pending civil protection order (CPO) cases and new filings remained fairly constant.
- 80% of clients studied requested a temporary protection order (TPO); 94% of these petitions were granted, and 25% were extended at least once for a variety of reasons.
- The TPO remedies granted were distributed as follows: “not to abuse, threaten, harass (100%); stay away (97%); no contact (95%); police assist with service of process (76%); temporary custody to one party, usually the petitioner (42%); police stand by while party vacates, usually the respondent (23%); one party to vacate, usually the respondent (22%); other relief as specified, usually some form of support (22%); and having police ensure party (usually the respondent) turns over keys (16%).”
- Of the CPO petitions that proceeded to hearings, 45% were granted, 19% were dismissed at the petitioner’s request, 31% were dismissed when the petitioner did not appear, and 5% were denied following the hearing. Seventy-five percent of CPOs were entered into by consent of the parties.
- The remedies granted in CPO cases were distributed as follows: “not to abuse, threaten, harass (98%); stay away (82%); no contact (75%); temporary custody to one party, usually the petitioner (48%); respondent to enroll in domestic violence program (45%); visitation granted to one party, usually the respondent (36%); other relief specified by court, usually treatment for the respondent (26%); respondent to enroll in alcohol/drug abuse program (21%); one party (usually the respondent) to vacate home (15%).” Other remedies ordered appeared in less than 15% of cases.
- Criminal charges were pursued in 22% of reviewed cases in which CPO petitions were filed; 96% of criminal cases were misdemeanors and all cases stayed within the DVU.
- Clients rated different aspects of their experience with the Domestic Violence Intake Center (DVIC) and police. The proportion of respondents who rated items as “mostly” or “very much” are as follows: DVIC staff listened to my concerns (89%); DVIC staff helped me understand the process (78%); DVIC staff expressed concern for my safety (79%); DVIC staff helped me make decisions (67%); the police were on my side (67%); the police treated me fairly (76%); the police gave me useful information about my options (73%); the police protected my safety (65%). Seventy-nine percent of victims who contacted the police said that they would likely contact the police again in a similar situation.
- Seventy percent of victims reported that they expected the court process would “mostly” or “very much” make things better for them. During interviews, clients identified the following elements of the DVU as being helpful: “talking to someone in the DVIC who really listened; receiving information in the DVIC about the entire protection order process; talking to other victims at the DVIC; and having the ability to obtain a TPO



immediately within the courthouse, with the assistance of the DVIC staff and the judicial officers in the DVU courtrooms.”

5.2 United Kingdom

The United Kingdom did not establish specialized domestic violence courts until the late 1990s. Unlike specialized domestic violence courts in the US and Canada, these courts in the UK are predominately restricted to pre-trial matters. Domestic violence courts in the UK, as in Canada, are in the criminal law area only. At most, they may have developed some linkages for sharing information with civil courts.

From November 2003 to January 2004, five models of Specialist Domestic Violence Courts (SDVC) or Fast Track Systems (FTS) in England and Wales were evaluated, including those at magistrates’ courts in Cardiff, Derby, Leeds, West London, and Wolverhampton. The evaluation included a “mini-literature review,” qualitative data (analysis of reports, site visits, interviews, process maps, and information about costs and benefits, where available), and quantitative analysis of Crown Prosecution Service (CPS) files for the period August to October 2003.

The five courts, described below, had been in operation from six months (in Derby) to four years (in Leeds), and had varying caseloads and “spatial and organizational contexts.”¹³²

Cardiff does not have a specialized court, but rather offers a “Fast Track System” for the processing of domestic violence cases. The Cardiff model initially comprised one “Specialist Domestic Violence Prosecutor,” which proved impractical because of the workloads involved. All 19 CPS prosecutors and all 80 Magistrates at the Cardiff courts have undergone domestic violence training. A Women’s Safety Unit (WSU) provides a one-stop shop for women and children who are experiencing or witnessing domestic violence and seeks to identify and plug any gaps in the system. The Cardiff FTS was evaluated in May 2003, after just over a year in full operation. Findings indicated that repeat victimization in domestic violence cases decreased by 36% and the number of victims refusing to make a complaint decreased by 18%. The FTS procedure sped up domestic violence cases, which now take approximately seven weeks compared with standard cases taking 14 weeks. Clients’ perceptions of the WSU service were overwhelmingly positive. The service scored 9.2 (out of 10) for effectiveness in helping clients achieve a safe outcome. The court hears criminal matters only, although links with the civil courts are being actively developed.¹³³

The Derby Dedicated Domestic Violence Court, the newest of the five sites, was initially implemented as a 12-week trial in May 2003 to address the need to swiftly bring cases to court and to bring together agencies influential in securing the safety of victims and witnesses. The court has been retained as a permanent arrangement because of its perceived benefits. The arrangements are for magistrates’ courts only and deal with pre-trial hearings (bail variations, pleas, pre-trial reviews, pre-sentence reports, sentencing); trials are not included. All domestic violence cases are charged and bailed to the domestic violence court. So far, Derby manages one court one half day. The court set-up reflects a multi-agency, partnership approach. A domestic

¹³² Cook, D., et al. (2004). Evaluation of Specialist Domestic Violence Courts/Fast Track Systems. Retrieved from <http://www.cps.gov.uk/publications/docs/specialistdv courts.pdf>

¹³³ Ibid., p. 55-58.



violence unit police officer and a representative from the voluntary sector should always be present at the court, as should, ideally, a person from the Probation Service and from the Housing department. The CPS prosecutor tends to be specialized, but may undertake other prosecution work as well.¹³⁴

The Leeds Domestic Violence Cluster Court Project, in operation since June 1999, is the longest established of the courts. The court is magistrates only and deals with pre-trial hearings only (bail variations, pleas, pre-trial reviews, pre-sentence reports, sentencing), and not trials. All domestic violence cases are charged and bailed to the domestic violence court. Leeds now runs three domestic violence courts on Monday afternoons. The key feature of the court set-up is a multi-agency partnership approach. Police domestic violence officers and a Help Advice and Law Team (HALT) representative are always available. CPS lawyers and a designated caseworker (DCW) prosecute the hearings and agents do the trials. A Steering Group (which involves Leeds Interagency Partnership, HALT, CPS, Police, Court, Probation Service, and Witness Service) meets monthly and all involved report that meetings work well. Key informants believe the Leeds domestic violence court has improved the recognition of the seriousness of domestic violence. Training needs for all members involved in its operation have been identified and as a result the level of information flow through different agencies has improved. It appears that the processing of domestic violence cases has been sped up.¹³⁵

The West London Magistrates Court (WLMC), which began operating in October 2002, is co-ordinated by the Standing Together against domestic violence multi-agency partnership and was the first SDVC in England and Wales to hear pre-trial reviews and trials. The court takes cases from the two London boroughs of Hammersmith and Fulham and Kensington and Chelsea. As a magistrates court, it hears criminal matters only. The court sits on Thursdays and hears pre-trial matters in the morning and trials in the afternoon. Magistrates, prosecutors, and staff have all received domestic violence training. A significant feature of the WLMC is its arrangement with the Inner London and City Family Proceedings Court (ILFPC) to obtain information about civil orders against defendants who appear in the SDVC. Another significant feature is the use of District Judges. Trial dates are fixed within 28 days of a not guilty plea wherever possible. Defence lawyers were not involved in setting up the SDVC, and this lack of engagement was identified as an issue in the one-year evaluation of the court. Other findings included: partner agencies view inter-agency collaboration as beneficial; effective protocol and procedures for monitoring and evaluating the court have been developed; the court has reduced delay up to the point of listing for trial through effective case management; the mean number of hearings per case have been greatly reduced; the court seems to have been effective as part of a package of initiatives to reduce repeat victimization; and the court is generally positively evaluated by survivors of domestic violence, particularly with respect to advocacy support.¹³⁶

The SDVC in Wolverhampton was set up in July 2002. It hears criminal matters in the magistrates' court only. The arrangements do not cover trials and are for pre-trial hearings only. The court sits for half a day per week. Key features of the arrangements are: attendance in court of a police domestic violence officer; a Criminal Justice Support Services Co-ordinator; and close links among partners, including a multi-agency Steering Group which monitors operations

¹³⁴ Ibid., p. 59.

¹³⁵ Ibid., p. 60-61.

¹³⁶ Ibid., p. 62-65.



and provides a forum for discussion of issues/problems and further developments. Reporting rates of domestic violence incidents in Wolverhampton are increasing, which may be seen as an encouraging signal of victims' willingness to come forward and/or may reflect the implementation of better recording practices. Repeat victimization in the areas covered by the SDVC are significantly lower than in other areas within the West Midlands. Domestic violence victims see the SDVC as a very positive step forward; it is seen as more responsive to their needs and supportive of their choices. The role of the criminal justice support services worker, and allied support workers, has been central to such feelings of increased confidence and support. However, there are concerns about the capacity of current partners to deliver fully without further resources for support and outreach.¹³⁷

Analysis across sites revealed the following:

- Sentences most often took the form of fines or other monetary penalties (59%), and the average financial penalty payable by defendants was £161 (about \$400 Canadian). Overall, community rehabilitation orders were used infrequently (29%), despite comments from victims about the need for help for their partners. Referrals to perpetrator programs varied across sites and were most common in Leeds, whereas Wolverhampton did not use them at all. Conditional discharges were used in 30% of cases, and custodial sentences were rare (4%).
- It took 10 weeks for the average case to go from arrest to finalization. While some courts reported that the process became faster with the introduction of the specialist courts, others reported delays caused by listing difficulties and defence tactics.
- The evidence did not indicate that the courts had made any difference to the level of charges brought forward, nor to the level of retractions. Reports indicated that in two cases the special courts reduced the number of hearings.
- The most common bail conditions across all sites were: residence elsewhere, no contact with partner, no contact with children, supervised contact with children, and reporting to police. Defendants were bailed with conditions in 69% of cases. Key informants generally said that the introduction of specialized courts had made bail decisions better informed.
- Research universally indicated good-to-high levels of satisfaction with the support, information, and advice provided by the voluntary sector. Victims and witnesses indicated that they feel more confident attending court, knowing the support of advocates is available.
- The types of initial pleas and final pleas varied significantly across sites. Three sites had a large amount of missing information in relation to the final plea offered by defendants. Cardiff and Wolverhampton had the smallest proportions of defendants pleading guilty (14% and 20%) and Derby the highest (43%).

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Ibid., p. 65-67.

- For modest costs, all courts showed value in facilitating multi-agency collaboration and finding ways to begin reducing repeat victimization. There are significant financial savings to be made if domestic violence is handled effectively early on to prevent violence escalating in severity and frequency over time. The holistic approach to domestic violence provided by the specialist courts is beneficial in these respects as most sites are reporting a reduction in repeat victimization.¹³⁸

Although the five sites differed from one another in a number of ways, elements of success common among sites include:

- a focus upon criminal matters (as opposed to civil), with the exception of Cardiff, where the principles and protocols extend to the Crown court
- handling primarily pre-trial hearings (as opposed to trials) and using Pre-Trial Reviews to facilitate case progression (West London was the only SDVC to handle trials, although Cardiff's FTS also encompassed trials)
- identification or flagging of domestic violence cases, which are all thereafter either clustered or fast-tracked
- the provision of advocacy support (volunteers in Derby and paid workers at the other four sites) and/or domestic violence police officers at court to provide the court with information and advise and support victims
- inter-agency collaboration
- recognition on the part of courts and agencies that training everyone involved in cases of domestic violence must be prioritized.¹³⁹

Overall, the research indicated that the SDVC and Fast Track Systems were beneficial in enhancing the effectiveness of court and support services for victims, facilitating advocacy and information-sharing, and improving victim participation and satisfaction and increasing public confidence in the criminal justice system.¹⁴⁰ Although a complete comparison between specialist and non-specialist courts was not possible due to limited evidence, the specialized courts were viewed as models that had successfully placed victims "at the heart of the process."¹⁴¹

5.3 Australia

In Australia, domestic violence cases are dealt with at the state and territory level, and the legislation concerning them, the governance of them, and the associated sentences are outside of federal jurisdiction. Usually, domestic violence cases are dealt with in magistrates' courts or lower level civil and criminal courts, and these proceedings include protection orders, some undisputed family law matters, and criminal charges. Currently, no standard model or system exists across Australia to offer consistent sentencing in or processing of domestic violence cases.

¹³⁸ Ibid.

¹³⁹ Ibid., p. 5-6.

¹⁴⁰ Ibid., p. 142.

¹⁴¹ Ibid., p. 143.



The following descriptions are brief outlines of the specialized family violence courts that have been the subject of research and evaluation.

Australian Capital Territory Family Violence Intervention Program¹⁴²

The Australian Capital Territory Family Violence Intervention Program, which began in 1998, handles domestic violence and child and elder abuse offences and is intended to provide an integrated response to domestic violence. Criminal domestic violence cases are fast-tracked from their first appearance; defendants who plead guilty are sentenced, and those who plead not guilty are brought before a different magistrate within about six weeks of their plea. The court does not handle applications for protection orders, as bail conditions are intended to provide the victim with immediate protection.

The criminal justice system and other agencies involved work collaboratively to enhance victim safety and ensure offender accountability, while also providing opportunities for rehabilitation. Victims are referred to a Domestic Violence Crisis Service, and the court can mandate offenders to a 24-week Perpetrator Education Program. Key elements of the Program include:

- 24/7 advocacy and support for those affected by family violence, with contact and liaison with the victim maintained throughout the process
- a Family Violence Magistrate position to oversee and manage the specialized hearing process (conducted weekly)
- dedicated Family Violence Prosecutors and a Family Violence Project Sergeant and other staff within Australian Capital Territory Police
- training for police, prosecutors, victim advocates, and child protection workers aimed at improving investigations, evidentiary preparation and victim contact, with investigative equipment provided for all patrol cars
- a Witness Assistant position to assist the prosecutor in ensuring the victim's safety and provide information to witnesses
- court system procedures to identify, tag, fast-track and track matters, including weekly case tracking meetings to monitor progress of criminal matters and, in particular, victim safety
- specialized assessment and programs for convicted offenders.

Two evaluations have been conducted; key findings regarding the impact of police and legal measures were:

- an increase from 16% to 27% of incidents resulting in arrest
- an increase from 27% to 47% of incidents resulting in "positive action" (including arrest)
- a 152% increase in the number of family violence matters handled by the Director of Public Prosecutions over three years (1998/99-2001/02)
- a 69% increase in matters commenced and completed

¹⁴² Stewart, Julie. (2005). *Specialist Domestic/Family Violence Courts within the Australian Context*. Australian Domestic & Family Violence Clearinghouse, Issues Paper 10. Retrieved from http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Issuespaper_10.pdf



- an increase from 24% to 61% of matters finalized by guilty plea, with 40% being finalized by a guilty plea on the first mention date
- 86% of all family violence matters commenced and completed in both 2000-2001 and 2001-2002 resulted in convictions.

Joondalup Family Violence Court of Western Australia

Established in 1999, this program adopted an inter-agency case management approach to the supervision of offenders and support of victims. The Joondalup Family Violence Court (JFVC) handles requests for violence and misconduct restraining orders (civil matter) and all criminal matters related to family violence. In this court, a specialist magistrate, prosecutor, and defence counsel are appointed and hold permanent positions. The core element of this model is the case management team, which meets weekly to discuss cases and prepare pre-sentence reports. It also creates management plans for victims and offenders, prepares progress reports, offers referral to agency-specific interventions as appropriate, and deals with breaches and re-offending matters. Final review for case closure is also a responsibility of the team.

Another highlight of this model is its treatment of defendants. Those who plead guilty are remanded for a pre-sentence report after which they are placed on bail with the condition to attend a six-month perpetrator program. The program is supervised by Department of Corrections, and the defendant's progress is reviewed at the three-month mark by the court to determine progress. If there is no recognizable progress in the eyes of the court, sentencing is possible. If, however, progress is noted, a non-custodial sentence can be offered at the discretion of the magistrate usually with a commitment from the defendant to change his behaviour. Defendants who plead not guilty, however, are remanded to normal court for hearing and are not dealt with in the JFVC.

An evaluation of the JFVC in 2001 compared how the court handled restraining orders and criminal law matters to comparison non-specialized courts. Some of the key findings are reported below:

- Individuals requesting restraining orders in JFVC were less likely to receive them than those in the comparison courts, indicating that a review of the restraining order process is needed.
- Control courts were equally likely to refer defendants to a batterer program.
- Offenders in Joondalup were more likely to breach protection orders, which may be due to the increased monitoring of offenders in the JFVC program rather than a greater propensity to violate these orders.
- People from aboriginal backgrounds did not appear to be using the resources of the court, possibly indicating that the model was not culturally sensitive to the familial situations of Aboriginal people.¹⁴³



6.0 Overview

This literature review reveals that specialized domestic violence courts exist in many forms, varying organizationally, procedurally, and in the services they offer. In spite of these variations, certain elements recur often. This section highlights common and differing elements of domestic violence courts using the examples from the report and considers outcomes found in recent evaluations of these courts. Appendix C also provides a summary comparison of the courts.

6.1 Features of domestic violence courts

Generally, domestic violence courts fit into one of the following broad categories, although there is great variation within each of these categories:

- **Dedicated civil order protection docket.** These courts have a dedicated docket for handling civil protection orders. Cases may be handled by one full-time, dedicated judge or by judges who rotate through the docket, but the calendar is always specialized. Some courts are fully dedicated to handling civil protection orders, while others devote part of each week to these cases. Some courts handle enforcement of their own orders, and some do not. And since violations of these orders may be treated civilly or criminally, some courts will handle civil violations only, while others will hear both civil and criminal violations.
- **Criminal domestic violence only.** These courts take a wide variety of forms, but many include dedicated judges and teams of dedicated staff, such as prosecutors, victim services, police, and probation. These courts may have special case management rules to assist in prompt resolution of domestic violence cases. They may have a specialized calendar or a specifically assigned court with special features. Most provide some type of batterer treatment program, and many include monitoring of program completion and compliance with court orders.
- **Domestic violence courts with related caseload.** These courts combine domestic violence cases and related matters, such as civil protection orders, custody, and divorce. Three different models are included within this category:
 - An **Integrated Domestic Violence Court** model handles criminal domestic violence cases and related civil matters before the same judge.
 - A **Unified Family Court** model handles all civil court matters involving the same family, which may or may not include domestic violence.
 - A **Coordinated Court** is a version of the Integrated Court that handles criminal domestic violence cases and related civil matters, but does so within the same court division rather than before a single judge.

The DVC Program is a criminal domestic violence court, as are most of the courts discussed in this review. The reason this category receives more attention than the others is two-fold. First, many of the other types of domestic violence courts are so differently structured that they provide little relevant information for the DVC Program. Second, most of these courts

(particularly the integrated courts) are quite new, and evaluation materials or other studies of their implementation and effectiveness are not available.

The literature shows that the DVC Program shares many features in common with other criminal domestic violence courts, but there are also several differences:

Specialized criminal justice professionals

Judges. The role of judges varies widely among the domestic violence courts. The judicial role in the DVC Program is not specified to the same extent as it is in other domestic violence courts. For example, while apparently in the minority, some courts have judges exclusively assigned to them. In the Keilitz study in the US just under one-third of the courts surveyed reported having judges exclusively assigned to them. A few courts, like the FDVC in New York, specify that judges have a leadership role in the implementation of the specialized court. In Canada, the Yukon Domestic Violence Treatment Court has specialized judges, while Winnipeg has specially trained judges who sit on the court in rotation.

Prosecutors. The DVC Program has designated Crowns who are trained in domestic violence. Most domestic violence courts have designated prosecutors or, at minimum, prosecutors with domestic violence training.

Other criminal justice professionals. Most of the domestic violence courts studied include probation officers as part of their inter-agency teams. In addition, a few sites (e.g., Yukon) also include defence counsel as part of the team.

Designated victim services. This is a standard part of every specialized domestic court. However, the level of assistance depends on the resources available. Most victim services provide referrals to other community agencies, but the ability to do this is limited by the availability of other agencies to assist victims. Many victim services provide information to the victim, as well as court preparation and accompaniment. In most courts, the goal is to contact the victim before the accused's first court appearance.

Police. The level of police involvement again depends on the court. In the DVC Program, police are to have domestic violence training, use enhanced investigative procedures, and serve on the advisory committee for the Program. In some programs, the police have established specialized domestic violence investigation teams (e.g., Winnipeg, Calgary). In the literature on US courts, the role of the police in implementing the specialized courts is not explicit and appears for some to be rather minimal as there is no police presence among the court team that serves as the backbone of the specialized court (e.g., Brooklyn FDVC).

Intervention programs for abusive partners. The degree to which intervention programs are mandated for offenders varies among the courts studied. In the UK, such orders are in the minority, while Canadian and US courts rely more heavily on these programs as a method of holding offenders accountable. The point in the process at which the abusive partner might be ordered or opt into these programs depends on the court. Some courts have mechanisms by which the accused can enter the programs before any admission or finding of guilt, and if they complete the program, their domestic violence record is expunged (e.g., Lexington County, South Carolina).

Monitoring offenders. The level of monitoring of offenders for either program completion or compliance with court orders also appears to vary. Some courts have sophisticated technology that allows court partners to share information about compliance and attendance in intervention programs (e.g., Brooklyn FDVC). Others mandate regular court visits to provide updates on progress or have court teams that regularly meet to review cases for re-offending (e.g., Joondalup).

Coordination among stakeholders. While all domestic violence courts in this review include some form of interagency collaboration, they differ in the nature and extent of the cooperative arrangements. Some, like the DVC Program, have advisory committees that include multiple stakeholder groups that serve more of a policy role (e.g., Leeds, Wolverhampton). Others use multi-agency teams to discuss and act on specific cases (e.g., Joondalup, Calgary, Brooklyn FDVC). A few do not appear, based on the literature, to have a formal method of collaboration (e.g., Winnipeg).

6.2 Outcomes

Systematic comparison of outcomes across jurisdictions is challenging due to structural differences among courts, as well as discrepancies with respect to the nature of the data collected. Moreover, many of the evaluators of domestic violence courts have noted the difficulties inherent in conducting studies of their effectiveness, such as the difficulties in identifying domestic violence cases because they are not flagged in court administrative data, and the problems with securing an appropriate baseline that will allow for comparisons of pre- and post-specialized domestic violence courts. However, an effort has been made to summarize findings in the following areas:

Case processing time. Most of the domestic violence courts experienced either a reduction in case processing time (from first appearance to disposition) or met their pre-established goals despite increased caseload. Those that did not tended to experience delays due to program structure or outside factors, such as defence tactics. Projects that achieved their goals included Winnipeg, where case processing time averaged three months, and Calgary, where cases appeared within one month of the offence 70% of the time, and 73% of cases were processed within one month of first appearance. US data, too, suggest that domestic violence cases are processed more quickly. Peterson found that cases were processed more quickly in Brooklyn and the Bronx (which had specialized courts) than in Manhattan (which did not). After Manhattan established a specialized court, case processing time decreased from 18 weeks in 1998 to 13 weeks in 2001. In Milwaukee, processing time was cut in half (from 166 days to 86 days) following the establishment of specialized court; in San Diego, processing time was reduced from 57 days to 15 days, and processing time in Minneapolis was also reduced. Research from the UK indicates that some courts reported reduced case processing times, whereas others reported delays due to listing difficulties and defence tactics. In Brooklyn, case processing time generally increased slightly, and in the Yukon, there can be delays in sentencing of up to one year pending completion of a treatment program. The 2000 evaluation of the domestic violence courts in Ontario indicated that trial dates and pre-trial detention of the accused affected the length of the court process. The victim's willingness to proceed with the case and whether the victim and the accused were living together with children were the factors that most affected whether a trial date was set.

Plea, conviction, and sentencing patterns. The evaluations of the courts included in this review revealed little consistency on findings in these areas. Two courts – Yukon and the Brooklyn FDVC – experienced an increase in the number of guilty pleas. Prior to the implementation of the Domestic Violence Treatment Option in the Yukon, approximately 75% of domestic violence cases collapsed, whereas with the current system, approximately 90% of offenders enter a guilty plea and receive treatment. The FDVC in Brooklyn also yielded a higher rate of disposition by guilty plea, although conviction rates did not increase. Conviction and dismissal rates also remained the same for the specialized domestic violence court established in Manhattan. However, other courts experienced increases in conviction rates. The simultaneous establishment of a domestic violence prosecution bureau and a domestic violence criminal court handling cases of misdemeanour or lesser severity in Queens, New York, coincided with an increase in conviction rates from 30% to 60%. In Milwaukee, more victims cooperated with prosecution and conviction rates increased from 56% to 69%, and in Minneapolis, conviction rates increased by 18%. In Ontario's coordinated prosecution courts, guilty outcomes increased from 56% to 63% pre/post, while dismissals/withdrawals/stays/not guiltys fell from 30% to 26%. Case outcomes were highly influenced by victims' willingness to testify and otherwise engage with the prosecution process. In San Diego, there was no change in the proportion of offenders convicted.

Results regarding sentencing patterns also varied by court. In Winnipeg, after the implementation of the specialized court, the number of cases resulting in probation supervision tripled and the number of cases resulting in jail sentences doubled, whereas fines and conditional sentences declined. In contrast, data from Manhattan, Milwaukee, and San Diego showed reductions in the proportion of convicted defendants who were incarcerated. In San Diego, the proportion of convicted offenders who received incarceration dropped from 61% to 33% following the implementation of specialized court; however, the median length of jail sentences increased from 45 to 60 days. Sentencing patterns remained unchanged following the implementation of the domestic violence court in Brooklyn and the coordinated prosecution courts in Ontario; however, in Durham and Peel, early intervention sites, the proportion of cases receiving a conditional discharge with probation increased from 19% to 80%. In the UK, sentences most often take the form of fines.

Victim participation and satisfaction. Few studies of domestic violence courts have examined victim satisfaction with specialized courts and the impact they have on victims' willingness to participate in the court process. Researchers often noted that victim satisfaction is an area that deserves more attention.

As part of the 2000 evaluation of Ontario's domestic violence courts, the evaluators interviewed 261 victims from project courts and 38 victims from comparison sites. Participants from domestic violence courts were more likely to feel they had been treated fairly by police, were more likely to have been told of local resources for abused women, and were marginally more likely than victims from comparison sites to say that they had received enough information about the case. Victims who participated in the specialized court process generally felt as though they had been treated fairly by the Crown and V/WAP. These victims put forth several recommendations, including harsher sentencing, a faster-moving system, and ensuring that victims are kept informed of next steps throughout the process.



In the District of Columbia, victims rated the response of intake unit staff and police within the Domestic Violence Unit positively, and 79% reported that they would likely contact the police again if they were to find themselves in a similar situation. In addition, 70% of victims reported that they expected the court process would “mostly” or “very much” make things better for them.

In Milwaukee, a smaller proportion of victims were satisfied with the prosecutor and said that they would go to court if they were hurt again following the implementation of the specialized court. However, it is believed that these findings are more likely a reflection of changes in case screening processes than the establishment of the specialized court. In Lexington, South Carolina, 73% of victims rated the quality of care provided by the court as “excellent” or “good.”

In the five UK sites, research universally indicated good to high levels of satisfaction with the support, information, and advice provided by the voluntary sector; victims and witnesses indicated that they feel more confident in attending court knowing the support of advocates is available. In Cardiff, the number of victims who refuse to make complaints decreased by 18%.

Recidivism. Studies of recidivism are difficult to conduct, but most evaluations of domestic violence courts attempted to determine the effect of the court on recidivism rates and found a reduction in re-arrests. A comparison between specialized courts in Brooklyn and the Bronx and a mixed docket court in Manhattan revealed that Brooklyn and the Bronx had higher re-arrest rates, with legal, case processing, and demographic variables controlled for. It was concluded not that specialized courts increase recidivism, but rather that re-arrests in Manhattan were more likely to be incorrectly classified as non-domestic violence re-arrests.

Other evaluations reported a reduction in recidivism. In Milwaukee, recidivism within six months of case disposition declined from 30% to 16%, as reported in victim interviews. In San Diego, recidivism (defined as new police contact for domestic violence within one year of conviction) decreased from 21% to 14%, and in Minneapolis, post-disposition re-arrests for new domestic violence cases declined slightly (from 18% before the specialized court to 14% after). In Lexington, South Carolina, recidivism declined from 19% to 12%, a change that could not be attributed to legal, case processing, or demographic characteristics, so it was concluded the court was effective in deterring domestic violence. Findings from the UK indicate that repeat victimization in domestic violence cases decreased by 36% in Cardiff. With respect to the specialized court in Wolverhampton, repeat victimization in the areas covered by the SDVC were significantly lower than in other areas within the West Midlands. These results must be interpreted with caution because in many cases, the degree to which other potentially intervening variables were controlled for is unclear.

A study conducted at the Bronx Misdemeanor Domestic Violence Court did not measure the Court’s effect on recidivism, but revealed that criminal history was the single greatest predictor of recidivism among cases processed by the Court.

Coordinating services. Many specialized courts implicitly or explicitly seek to enhance coordination and collaboration within the justice system and between the justice and service sectors through a multi-agency partnership approach. Process evaluations and less formal preliminary observational data from various courts have indicated that specialized courts have improved inter-agency collaboration and information sharing. Research in the UK has linked the



adoption of a holistic approach with reductions in repeat victimization, and in Canada, the Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation identified “co-ordination of justice system response (in policy and practice)” and “co-ordination with a range of other service providers”¹⁴⁴ as critical features of successful specialized domestic violence courts. **Effectiveness of treatment programs for defendants.** The degree to which intervention programs are mandated for offenders varies among the courts studied. In the UK, such orders are in the minority, while Canadian and US courts rely more heavily on these programs as a method of holding offenders accountable. Some studies have found little to no difference in the extent to which specialized courts versus control courts order defendants into treatment programs, and there have been contradictory findings and a lack of long-term follow-up data with respect to the effectiveness of these programs. Nevertheless, the Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation identified key elements of effective abusive partner intervention programs, including a partner outreach component, admission as early as possible following the offence, and accountability and monitoring mechanisms to ensure offender compliance.

Analysis of partner-completed Abusive Behaviour Questionnaires as part of an evaluation of the DVC Program indicated reductions in physical and emotional abuse during the abusive men’s program. In an American study, offenders assigned to batterer intervention, substance abuse, or combined programs were studied and compared with offenders who were not mandated treatment. The findings revealed high rates of program non-completion, particularly for programs that involved substance abuse treatment. Having prior arrests was a predictor of program non-completion, and program non-completion in turn predicted recidivism. Defendants in the comparison group were more likely to have received a jail sentence and were therefore also more likely to have a prior and a more serious criminal history and to have been previously incarcerated. Not surprisingly, recidivism was higher among these defendants than it was among those mandated treatment. This study illustrates some of the difficulties in assessing the effectiveness of batterer intervention programs.

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Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation, prepared for Federal-Provincial-Territorial Ministers Responsible for Justice, April 2003.



APPENDIX A
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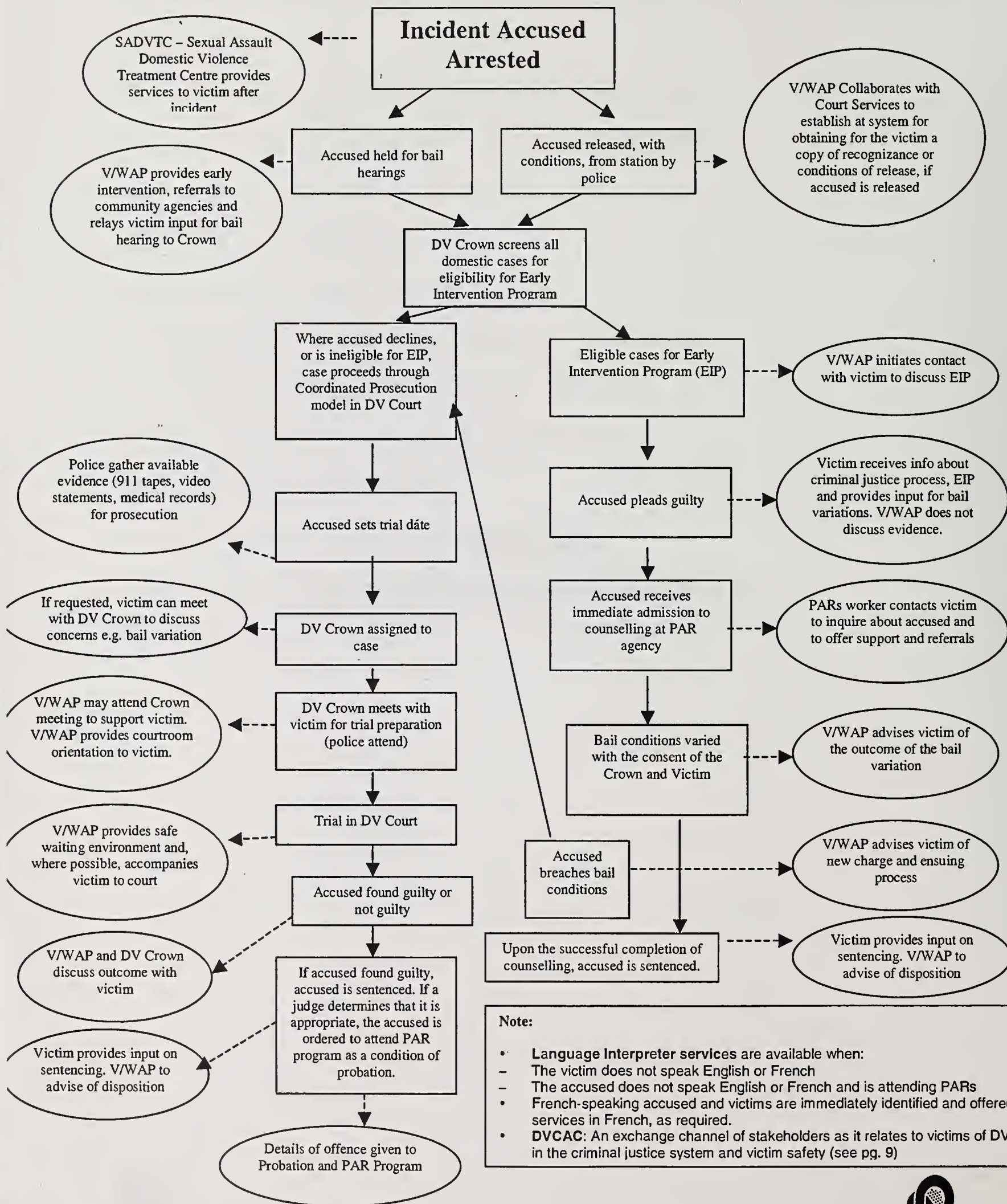
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APPENDIX B

DVC PROGRAM CASE MANAGEMENT PROCESS



APPENDIX C

SUMMARY OF DOMESTIC VIOLENCE COURTS



Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
CANADA			
Ontario Domestic Violence Court Program	1997 (pilot) 1999 (expansion)	<ul style="list-style-type: none"> Initially two models: early intervention model (for 1st time offenders with less serious levels of violence) and coordinated prosecution model (for repeat offenders/offenders who had inflicted serious injuries) EI and CP models were combined into 1 comprehensive model core components: Crowns trained in DV; designated VWAP staff; programs for offenders and outreach to victims; enhanced investigative procedures; interpreters; French language services; specialized processing of DV cases; and an advisory committee of justice and community representatives 	<ul style="list-style-type: none"> 2000 evaluation across 6 communities revealed following pre/post project outcomes: in coordinated prosecution courts, guilty outcomes increased from 56% to 63% and dismissals/withdrawals/stays/not guilty's fell from 30% to 26%; greater investigative efforts were undertaken by police; in 2 sites, there was an increase in the % of accused not released at their bail hearings (from 15% to 37% in Ottawa, and from 25% to 46% in London) a comparison of victims who participated in the program vs. victims from comparison sites revealed: project victims were more likely to have met with Crown and VWAP staff before guilty plea and trial date, more likely to say they had received enough information about the case, and more likely to have been told about local resources for abused women sentencing patterns changed, with an increase in probation and incarceration and a decrease in conditional discharge and suspended sentences 62% of convicted offenders received supervised probation and 68% of these were put in treatment groups for batterers the rate of stay of proceedings was 22% in the court's 1st year, but increased to 47% in the years that followed; this change was attributed to a change in discretion as to whether a case proceeds from police to Crown
Winnipeg Family Violence Court	1990	<ul style="list-style-type: none"> 'zero-tolerance' pro-arrest policy; women's advocacy and child victim/witness program for victims of family violence; specialized prosecutorial unit; specially designed courtrooms and dockets for intake, screening court and trials; and special probation unit to deliver court/mandated treatment programs police investigation and early intervention teams have been added 	<ul style="list-style-type: none"> successes: enhanced collaboration; early case resolution; community education/awareness; quick linkage to treatment; good relationships with defence lawyers; efficient means of dealing with breaches; increased attention to DV; and creation of Aboriginal Domestic Court Case Worker position challenges: heavy work load; high volume of complex cases; high number of peace bonds issued; maintaining continuity of service to victims; and lack of training for service providing partners Court averaged 117 cases/ week and settled 62% of cases (the remainder went to trial court); cases appeared within 1 month of offence 70% of the time and 73% of cases were processed within 1 month of first appearance. most common resolutions: community supervision through peace bonds (58%) and supervised probation (28%); most frequent conditions were offender treatment (84%), alcohol/substance abuse treatment (52%), other counselling (27%), abstinence from alcohol (39%), and no contact with victim (25%).
Calgary Domestic Violence Courtroom	2000	<ul style="list-style-type: none"> Specialized Domestic Violence First Appearance Court for 1st appearances of every case of DV in the city team of experts includes: The Calgary Police Service Domestic Conflict Unit; specialized probation officers, who work with treatment agencies to ensure compliance with court mandated treatment programs; specialized prosecutions unit; Legal Aid; and Domestic Court Case Workers team reviews each case during a pre-court conference and gives consideration to rehabilitative sentences (mandated treatment) 	<ul style="list-style-type: none"> successes: enhanced collaboration; early case resolution; community education/awareness; quick linkage to treatment; good relationships with defence lawyers; efficient means of dealing with breaches; increased attention to DV; and creation of Aboriginal Domestic Court Case Worker position challenges: heavy work load; high volume of complex cases; high number of peace bonds issued; maintaining continuity of service to victims; and lack of training for service providing partners Court averaged 117 cases/ week and settled 62% of cases (the remainder went to trial court); cases appeared within 1 month of offence 70% of the time and 73% of cases were processed within 1 month of first appearance. most common resolutions: community supervision through peace bonds (58%) and supervised probation (28%); most frequent conditions were offender treatment (84%), alcohol/substance abuse treatment (52%), other counselling (27%), abstinence from alcohol (39%), and no contact with victim (25%).

Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
CANADA (continued)			
Yukon Domestic Violence Treatment Option Court	2000	<ul style="list-style-type: none"> - allows offenders to participate in treatment options prior to sentencing; victims are provided support services such as counselling and assistance with safety planning - repeat offenders are ineligible and enter formal court system - eligible accused accept charge and sentencing is postponed so offender can complete treatment; accused attend court monthly to report on their progress; upon completion of treatment, judge imposes appropriate sentence - specialized judges and defense lawyers, with Probation Officers, counselors from the Spousal Abuse Program (SAP), and Victim's Services regularly in attendance to provide assistance 	<ul style="list-style-type: none"> - First Nations support DVTO since focus on healing is consistent with their culture - Prior to DVTO, about 75% of DV cases collapsed; with DVTO, about 90% of offenders plead guilty and receive treatment - Nearly 100% of offenders complete the Spousal Abuse Program - Inter-agency collaboration improved and participants in DVTO are now better informed about issues and challenges surrounding DV
UNITED STATES			
Brooklyn Felony Domestic Violence Court	1996	<ul style="list-style-type: none"> - opened to handle all indicted DV felonies in Brooklyn (Kings County) - court team includes judge, attorneys, victim advocates, and resource coordinator, to monitor defendants and connect victims to services - information sharing with Probation Department and batterer treatment programs and customized technology to help judge make decisions 	<ul style="list-style-type: none"> - in 1st 4 years, average dismissal rate was 6.1% - DAs charged more defendants with felonies to bring enhanced monitoring and victims' services to their cases; all victims assigned advocates vs. 55% prior; defendants more likely to be released pending disposition, but also more likely to be mandated batterer's intervention program - FDVC had higher rate of disposition by guilty plea, but conviction rates did not increase, nor did sentencing patterns change - FDVC spent slightly more time processing cases - post-disposition arrest rates were double for cases processed by FDVC, which may be due to enhanced monitoring
Manhattan's Specialized Misdemeanor Domestic Violence Court	2000	<ul style="list-style-type: none"> - set up to handle misdemeanor DV cases - author of study notes key features of DV courts include: specialized calendar, screening for prior cases, advocacy and victims services, treatment for offenders, coordination among partners, special training, improved case management through IT, and monitoring- though it is unclear how these elements have been implemented in Manhattan 	<ul style="list-style-type: none"> - conviction rates and rates of dismissal remained unchanged; % receiving jail sentences was lower (from 31% to 27%), while % receiving conditional discharge increased (from 54% to 67%) likely due to increased use of intervention programs as conditions case processing time decreased from 18 weeks to 13 weeks, though volume of DV cases increased by 26% - re-arrest rates for DV offences (within 18 months of disposition) increased from 12% to 16%, likely due to more accurate identification of re-arrests as DV

Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
UNITED STATES (continued)			
Bronx Misdemeanor Domestic Violence Court	1998	<ul style="list-style-type: none"> - staffed by 2 judges, judicial hearing officer, dedicated prosecution team, project director, resource coordinator, 2 defendant monitors, and several victims advocates - hears all domestic violence misdemeanor cases (about 4,000 a year) and is responsible for monitoring defendants who are mandated to attend a program as a condition of their sentence 	<ul style="list-style-type: none"> - half of defendants who were required to attend batterer intervention and/or substance abuse treatment did not complete their programs; recidivism for these defendants was 62% - recidivism among defendants not sentenced to batterer intervention and/or substance abuse treatment was 78%; these defendants were more likely to be sentenced to jail and to have prior convictions overall, criminal history was the strongest predictor of recidivism; for those mandated to batterer intervention and/or substance abuse treatment, prior arrest was the strongest predictor, whereas for those not mandated to these treatment conditions, prior drug arrests and prior convictions were the strongest predictors
Milwaukee Domestic Violence Court	1994	<ul style="list-style-type: none"> - special domestic violence court was introduced September 1994 - DA's office created a special prosecutions unit; judges and other court staff selected based on background and interest in DV - Additions include more victim services (advocacy, etc.), special detectives, and enhanced monitoring and tracking 	<ul style="list-style-type: none"> - case processing time halved (from 166 to 86 days) - % of guilty findings rose from 56% to 69% due to increase in guilty pleas - jail sentences (alone/combined with probation) dropped from 75% to 39%; no contact /limited contact orders increased from 58% to 75% - % of victims reporting abuse after the case was over (in victim interviews) declined from 30% to 16% - fewer victims were satisfied with prosecutors and said they would return to court if hurt again; it was suggested this was due to changes in case-screening and not the court - convictions increased by about 25%, so more defendants overall were placed in treatment
San Diego County Specialized Domestic Violence Court	Late 1990s	<ul style="list-style-type: none"> - court opened to hear DV misdemeanor cases - San Diego also has DV investigations unit (police), specialized probation officers, victim services, DV Council that coordinates 125 agencies, and recently (since evaluation) added mandatory treatment condition 	<ul style="list-style-type: none"> - case processing time declined from 57 days to 15 days - no change in proportion of defendants convicted (93%) or proportion of convicted defendants assigned to batterer intervention programs (85%) - % convicted defendants incarcerated decreased from 61% to 33%, but median length of sentences increased from 45 days to 60 days - recidivism (new police contact for DV within 1 year of conviction) decreased from 21% to 14%
Minneapolis, Minnesota (Fourth Judicial District Domestic Violence Court)	2000	<ul style="list-style-type: none"> - opened to handle arraignments and pre-trial hearings for DV cases in Minneapolis - partners include police to investigate DV charges, a City and County Attorney for prosecution, corrections staff, Department of Children and Family Services Staff, and volunteers and advocates to accompany victims to court. 	<ul style="list-style-type: none"> - case processing time declined - conviction rate increased by 18% - pre-trial arrests for new DV cases remained unchanged, but post-disposition re-arrests for new DV cases declined from 18% to 14%

Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
UNITED STATES (continued)			
Criminal Domestic Violence Court Lexington County, South Carolina	1999	<ul style="list-style-type: none"> - non-felony DV cases are referred to the court, team includes 2 investigators, prosecutor, victims' advocate, court administrator, and 2 mental health workers to diagnose and assign offenders to treatment programs - defendants choose either bench trial, jury trial, plead guilty, or participate in pretrial intervention; those who choose intervention receive treatment and pay fees, but this option is only for those not on probation and who have no prior DV convictions 	<ul style="list-style-type: none"> - recidivism dropped from 19% to 12% - # of arrests increased by 5.57/month - 73% of victims rated care provided by court as "excellent" or "good" and 90% would recommend others seek prosecution; most victims had a "good" overall impression of the way their cases were handled, and the largest % of offenders had a "fair" impression
Domestic Violence Unit, Washington D.C.	Not provided	<ul style="list-style-type: none"> - features courtrooms, judges, and clerk's office staff dedicated to domestic violence matters, with an intake unit that assists victims with the filing of protection order petitions - hears protection order and misdemeanor cases 	<ul style="list-style-type: none"> - victims rated the response of intake unit and police involved with DVU positively - 94% of temporary protection order petitions were granted - of the civil protection order (CPO) petitions proceeding to hearing, 45% were granted, 19% were dismissed at the petitioner's request, 31% were dismissed when the petitioner did not appear, and 5% were denied following the hearing - criminal charges were pursued in 22% of cases for which CPO petitions were filed
UNITED KINGDOM			
Cardiff Fast Track System	2001	<ul style="list-style-type: none"> - not a specialized court, but DV cases are "fast tracked" - hears criminal matters only, but links with civil courts being developed - prosecutors and magistrates trained in DV and Women's Safety Unit provides one-stop shop for victims 	<ul style="list-style-type: none"> - repeat victimization in DV cases decreased by 36% and # of victims refusing to make complaints decreased by 18% - case processing time went from 14 weeks to 7 weeks - Clients' perceptions of WSU service very positive, scoring 9.2 (out of 10) for effectiveness in helping clients achieve a safe outcome - 14% plead guilty (the smallest % of the 5 sites)
Derby Dedicated Domestic Violence Court	2003	<ul style="list-style-type: none"> - handles pre-trial hearings (bail variations, pleas, pre-trial reviews, pre-sentence reports, sentencing); trials are not included - 1 court, ½ day - multi-agency partnership approach involving domestic violence unit police, probation service, volunteers, prosecutor (tends to be specialized) 	<ul style="list-style-type: none"> - the court was initially a 12-week trial, but was retained as permanent arrangement because of its perceived benefits - of the 5 sites evaluated, Derby had the highest % (43%) who plead guilty - showed good value in facilitating collaboration and finding ways to reduce repeat victimization
Leeds Domestic Violence Cluster Court Project	1999	<ul style="list-style-type: none"> - deals with pre-trial hearings only (bail variations, pleas, pre-trial reviews, pre-sentence reports, sentencing), and not trials - 3 courts are run on Monday afternoons - multi-agency partnership approach involving police DV officers, Help and Advice Law Team, designated prosecutors and caseworkers - Steering Group meets monthly 	<ul style="list-style-type: none"> - Key informants believe the recognition of the seriousness of DV and level of information flow through different agencies has improved. - processing of DV cases has been sped up - Referrals to perpetrator programs were most common in Leeds (over the other 4 sites evaluated) - showed good value in facilitating collaboration and finding ways to reduce repeat victimization

Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
UNITED KINGDOM (continued)			
West London Magistrates Court	2002	<ul style="list-style-type: none"> - hears pre-trial reviews and trials (criminal matters only) - sits 1 day/week and hears pre-trial matters in morning and trials in afternoon - Magistrates, prosecutors, and staff have received DV training - have arrangement with Inner London and City Family Proceedings Court (ILFPC) to obtain information about civil orders against defendants who appear - another significant feature is use of District Judges. - trial dates fixed within 28 days of not guilty plea when possible. 	<ul style="list-style-type: none"> - lack of engagement from defense lawyers has been an issue - other findings include: inter-agency collaboration seen as beneficial; effective protocols/procedures for monitoring and evaluating court have been developed; court has reduced delay up to the point of listing for trial through effective case management; mean # of hearings per case have been reduced; and court is generally positively evaluated by survivors of DV, particularly with respect to advocacy support - showed good value in facilitating collaboration and finding ways to reduce repeat victimization
Wolverhampton Specialized Domestic Violence Court	2002	<ul style="list-style-type: none"> - handles criminal pre-trial hearings only, not trials and sits ½ day a week - team includes support workers and police - close links among partners, including a multi-agency Steering Group which monitors operations and provides forum for discussion of issues/problems and further developments 	<ul style="list-style-type: none"> - Reporting rates of DV incidents increasing, which may be encouraging signal of victim's willingness to come forward and/or may reflect implementation of better recording practices - Repeat victimization in areas covered by SDVC significantly lower than other areas within West Midlands - DV victims see SDVC as more responsive to their needs and supportive of their choices; support workers have been central to such feelings of increased confidence and support - there are concerns about capacity of current partners to deliver fully without further resources for support and outreach - 20% of defendants plead guilty (the 2nd smallest % of the 5 sites) - Wolverhampton did not use referrals to perpetrator programs at all
AUSTRALIA			
Australian Capital Territory Family Violence Intervention Program	1998	<ul style="list-style-type: none"> - 24/7 advocacy and support for those affected by family violence, with contact and liaison with the victim maintained throughout the process - a Family Violence Magistrate position to oversee and manage the specialized hearing process (conducted weekly) - dedicated Family Violence Prosecutors and a Family Violence Project Sergeant and other staff within Australian Capital Territory Police - training for police, prosecutors, victim advocates, and child protection workers aimed at improving investigations, evidentiary preparation and victim contact, with investigative equipment provided for all patrol cars - a Witness Assistant position to assist the prosecutor in ensuring the victim's safety and provide information to witnesses 	<ul style="list-style-type: none"> - an increase from 16% to 27% of incidents resulting in arrest - an increase from 27% to 47% of incidents resulting in "positive action" (including arrest) - a 152% increase in the number of family violence matters handled by the Director of Public Prosecutions over three years (1998/99-2001/02) - a 69% increase in matters commenced and completed - an increase from 24% to 61% of matters finalized by guilty plea, with 40% being finalized by a guilty plea on the first mention date - 86% of all family violence matters commenced and completed in both 2000-2001 and 2001-2002 resulted in convictions.

Table 1: Summary of courts discussed in literature review¹⁴⁵

Court	Year began	Key features	Evaluation findings
AUSTRALIA (continued)			
Australian Capital Territory Family Violence Intervention Program (continued)	1998	<ul style="list-style-type: none"> - court system procedures to identify, tag, fast-track and track matters, including weekly case tracking meetings to monitor progress of criminal matters and, in particular, victim safety - specialized assessment and programs for convicted offenders. 	
Joondalup Family Violence Court of Western Australia	1999	<ul style="list-style-type: none"> - deals with civil matters and all criminal matters related to family violence - inter-agency case management approach to the supervision of offenders and support of victims - specialist magistrate, prosecutor and defense counsel are appointed - Case Management Team meets weekly to discuss cases, prepare pre-sentence reports, create management plans for victims and offenders, prepares progress reports, offer referrals, and deals with breaches and re-offending matters. - treatment is highlighted; those who plead guilty are placed on bail with the condition to attend six month perpetrator program; if there is progress, a non-custodial sentence may be given by the magistrate - those who plead not guilty are not seen in Joondalup Family Violence Court. 	<p>Findings from February to October 2001:</p> <ul style="list-style-type: none"> - Individuals requesting restraining orders in JFVC were less likely to receive them than those in the comparison courts, indicating that a review of the restraining order process is needed. - Control courts were equally likely to refer defendants to a batterer program. - Offenders in Joondalup were more likely to breach protection orders, which may be due to the increased monitoring of offenders in the JFVC program rather than a greater propensity to violate these orders. - People from aboriginal backgrounds did not appear to be using the resources of the court, possibly indicating that the model was not culturally sensitive to the familial situations of Aboriginal people.

